

RUSSELL W. MALM
MIDLAND COUNTY ATTORNEY
500 N. Loraine, Ste. 1103
Midland, Texas 79701
(432) 688-4490
FAX (432) 688-4931

October 25, 2019

Muckrock News
c/o Alice Valkova
DEPT MR 79940
411A Highland Ave.
Somerville, MA 02144-2516

RE: Open Records Request:
SEBASTIAN ALEXANDER ZAPATA
TX ID 17242957
Online Solicitation of a Minor Under 14

Dear Ms. Valkova:

Per your recent request, I am forwarding all the records and (1) CD in the custody and control of the Midland County Sheriff's office regarding the above-referenced matter.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Russell W. Malm
Midland County Attorney

RWM:lrh
cc: Sheriff Gillette

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

STATE'S 1ST AMENDED WITNESS LIST AND NOTICE OF EXPERTS FOR TRIAL

Comes now the State of Texas by and through her District Attorney and gives notice to the defendant by and through the defendant's attorney of record that the State intends to call during the State's case in chief and punishment phase at the trial of the above entitled and numbered cause, the witnesses listed below:

1. **Midland Police Department**, 601 N. Loraine, Midland, Texas, 685-7108
 - a. Detective David Olvera
 - b. **Fingerprint/ ID technicians**- one or more of the following individuals: Marty Barrett, Larry Shackelford, Marissa Payne, Rhiannon Fry, Jacqueline Hernandez
 - i. **EXPERT in the area of identification by fingerprint**
2. **Texas Department of Public Safety** 2405 South Loop 250 West, Midland, Texas 79703
 - a. Special Agent Chris Davis
 - b. Special Agent Cody Allen
 - c. Special Agent David Stewart
3. Aracely Yates, 5309 Dunraven Ct., Midland, TX 79707, 432-528-4164
4. **Midland County Clerk**, 500 N. Loraine, Suite 400, Midland, Texas 79701, 688-1073
 - a. Alison Haley, County Clerk, Vicki Ortiz, Deputy County Clerk, or any other Deputy County Clerk
5. **Midland District Clerk**, 500 N. Loraine, Suite 300, Midland, Texas 79701, 688-1851
 - a. Alex Archuleta, District Clerk, Lorie Enriquez, Deputy District Clerk, or any other Deputy District Clerk

The defendant is advised that any additional witnesses subpoenaed in this cause are subject to be called as witnesses for the State of Texas in this cause. The defendant is also advised that any names found in the State's file, open for inspection by defense counsel, that are not enumerated on this list or any subsequent amended list are also subject to being called by the State and any omission from this list should not be construed as a tacit assertion that the unlisted witnesses will not be called. The defendant is further advised that this list of witnesses does not include rebuttal witnesses, if any.

WHEREFORE, PREMISES CONSIDERED, the defendant is now advised of the witnesses that the State of Texas intends to call at the guilt innocence and/or punishment phases of the trial of this cause.

Respectfully Submitted,

/s/
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal110@co.midland.tx.us

CERTIFICATE OF SERVICE

I, the undersigned Assistant District Attorney, do hereby certify that on the 20th day of September, 2018, I sent a copy of the foregoing STATE'S WITNESS LIST AND EXPERT DESIGNATION by transmission through the authorized electronic filing manager or as otherwise permitted by law to Tom Morgan, the attorney of record for the defendant.

/s/
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal110@co.midland.tx.us



INTAKE SCREENING REPORT

DATE: 2/17/18

DEFENDANT: SEBASTIAN ZAPATA

D.O.B.: [REDACTED]

OFFENSE CHARGED: ONLINE SOLICIT MINOR FINAL OFFENSE CHARGED: SAME

JP PRECINCT#: 1

LE AGENCY: MPD: MSO: DPS: OTHER:

LE AGENCY CASE #:

SUBMITTING OFFICER: D. OLIVERA 1098

ACTION TAKEN: SUBMITTED

PROBABLE CAUSE SUFFICIENT: YES: NO:
IF INSUFFICIENT, WHY?

TIME AND NAME OF OFFICER(S) CONTACTED TO CORRECT PROBLEM, IF ANY:

BAIL AMOUNT AND CONDITIONS RECOMMENDED: \$: 10,000

SURETY: PRETRIAL SERVICES:

CONDITIONS:

[Signature]

INTAKE ATTORNEY

MIDLAND COUNTY PROCESSING INFORMATION

PERSONAL DATA

NAME-LAST ZAPATA		FIRST SEBASTIAN		MIDDLE ALEXANDER		ALIAS		MPD#	MSO#
<input checked="" type="checkbox"/> D.L.	<input type="checkbox"/> I.D.	STATE TX	DATE OF BIRTH [REDACTED]	SOC.SEC # [REDACTED]		AGE 22		HEIGHT 5'09	WEIGHT 175
RACE W	ETHNICITY HISPANIC	SKIN TONE CODE LBR		GENDER MALE	CITIZENSHIP USA	PLACE OF BIRTH USA		HAIR BLK	EYES BRO
SCARS / MARKS / TATTOOS						GANG AFFILIATION			
HOME ADDRESS 3202 BAUMANN, MIDLAND, TX, 79701						PHONE 432-215-7617			
BUSINESS ADDRESS						PHONE			

ARREST DATA

ARREST DATE 2/16/2018	ARREST TIME 2358 HRS	LOCATION OF ARREST 2326 W LOOP 250 N		COMPLAINT #
OFFENSE CODE 1 36990023	THIS OFFENSE DATE 02/16/18	WARRANT / CITATION # AND / OR OFFENSE ONLINE SOLICITATION OF A MINOR UNDER 14		
PENAL OR CCP # 33.021(f) PC	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C
OFFENSE CODE 2	THIS OFFENSE DATE	WARRANT / CITATION # AND / OR OFFENSE		
PENAL OR CCP #	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C
OFFENSE CODE 3	THIS OFFENSE DATE	WARRANT / CITATION # AND / OR OFFENSE		
PENAL OR CCP #	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C
OFFENSE CODE 4	THIS OFFENSE DATE	WARRANT / CITATION # AND / OR OFFENSE		
PENAL OR CCP #	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C

DOES NOT APPLY ☐

VICTIMISAGE

FIREARMS

VEHICLE DATA

OPERATING VEHICLE		YES <input type="checkbox"/>	NO <input type="checkbox"/>	TRANSPORTING HAZARDOUS MATERIAL	
OPERATING COMMERCIAL VEHICLE		YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
VEHICLE TOWED BY:				RELEASED TO	LEFT AT SCENE
VEHICLE MAKE	YEAR	MODEL	STYLE	LIC #	STATE / YR
FIREARM CODE 1		CONFISCATED YES <input type="checkbox"/> NO <input type="checkbox"/>			

EMERGENCY CIRCUMSTANCE

OF ARREST

IN REFERENCE TO ONLINE SOLICITATION OF A MINOR

CONTACT

NAME	ADDRESS
RELATIONSHIP	PHONE NUMBER (AREA CODE & NUMBER)

D.OLVERA / P298
ARRESTING OFFICER

MIDLAND POLICE DEPT.
AGENCY

A.CHILSON / P336
TRANSPORTING OFFICER

02/17/18
DATE

RECEIVING PERSONNEL - JAIL ONLY

AFFIDAVIT OF PROBABLE CAUSE

THE STATE OF TEXAS

§

§

CAUSE NO.

COUNTY OF MIDLAND

§

The undersigned affiant, David Olvera, being a peace officer under the laws of Texas and being duly sworn, on oath makes the following statement and accusation:

1. Suspected Party:

SEBASTIAN ALEXANDER ZAPATA, HISPANIC/male, DOB: [REDACTED],
BLACK hair, brown eyes, 5' 09", 175 lbs,
TX DL#: [REDACTED], SS#: [REDACTED], TX SID: none

2. It is the belief of affiant, and he hereby charges and accuses, that said suspected party has committed the following offense:

Online Solicitation of a Minor, 2nd Degree Felony 33.021(c) PC,

3. Affiant has probable cause for said belief by reason of the following facts, to wit:

On FEBRUARY 16, your Affiant (Det. D. Olvera P114) and Texas DPS CID Special Agents were conducting an undercover solicitation sting posing as a female child 13yoa. SEBASTIAN ALEXANDER ZAPATA responded to an advertisement posted on the internet. SEBASTIAN ZAPATA then agreed to meet the undercover agent who was posing as a 13yoa Juvenile female child to engage in sexual conduct. SEBASTIAN ZAPATA initially responded to the undercover agent's advertisement on text messages. During the conversation, the undercover Agent posing as a 13 year old girl, told SEBASTIAN ZAPATA that "I'm almost 14 but look a lot older". SEBASTIAN ZAPATA stated "Wew. I dont think cragslis is where you want to find dates at your age". SEBASTIAN ZAPATA then stated, "So. If youre ready and willing . I would love to teach sex with you". At approximately 1959 HOURS, SEBASTIAN ZAPATA arrived at a predetermined location to meet what SEBASTIAN ZAPATA believed was a 13 year old female child. Texas DPS CID Special Agents and MPD officers placed SEBASTIAN ZAPATA under arrest. During an interview, SEBASTIAN ZAPATA made statements against his penal interest stating that he was aware that the person he was chatting with was a 13 year old girl and that he wanted to have sex with her.


AFFIANT

David Olvera,

SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED AUTHORITY BY SAID AFFIANT,
ON THIS THE 17 DAY OF Feb, 2018.

PEACE OFFICER, STATE OF TEXAS

FELONY COMPLAINT

OFFENSE: Online Solicitation of a Minor, 2nd Degree Felony 33.021 PC

J.P. #: _____

DATE: _____

BOND: \$ _____

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared affiant, who after being by me first duly sworn, says on or about the 16th day of February, A.D. 2018 and before the making and filing of this complaint, in the County of Midland, State of Texas,

Sebastian Alexander Zapata, hispanic/male, DOB: [REDACTED],
black hair, brown eyes, 5' 09", 175 lbs,
TX DL#: [REDACTED], SS#: [REDACTED],

did then and there intentionally and knowingly over the Internet, by electronic mail or text message or other electronic message service or system or through a commercial online service knowingly solicits a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person, against the peace and dignity of the State.



AFFIANT

Sworn to and subscribed before me by affiant, a credible person, on this the 17
day of Feb, A.D. 2018

JUSTICE OF THE PEACE
Midland County, Texas

Time Filed: _____



Court of Appeals

BRIAN QUINN
Chief Justice

JAMES T. CAMPBELL
Justice

PATRICK A. PIRTLE
Justice

JUDY C. PARKER
Justice

Seventh District of Texas
Potter County Courts Building
501 S. Fillmore, Suite 2-A
Amarillo, Texas 79101-2449
www.txcourts.gov/7thcoa.aspx

VIVIAN LONG
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

(806) 342-2650

July 23, 2019

Honorable Elizabeth Leonard
238th District Court
500 North Loraine Street, Suite 800
Midland, TX 79701
* DELIVERED VIA E-MAIL *

Alex Archuleta
Midland County District Clerk
500 North Loraine Street, Suite 300
Midland, TX 79701
* DELIVERED VIA E-MAIL *

RE: Case Number: 07-19-00122-CR; Trial Court Case Number: CR51328

Style: Sebastian Alexander Zapata v. The State of Texas

Dear Judge and Clerk:

The clerk's record in the referenced appeal has been filed. The record does not contain a certification of the defendant's right of appeal **signed by the defendant**. See TEX. R. APP. P. 25.2, **as amended September 1, 2007**.

In accordance with Rule 37.1 of the Texas Rules of Appellate Procedure, certification of defendant's right of appeal is to be filed with the trial court clerk within 30 days of the date of this letter.

If the certification is filed, the trial court clerk is directed to file a supplemental record which includes the certification of defendant's right of appeal. The supplemental record is to be filed with the appellate clerk within 15 days from the date the certification is filed with the trial court clerk.

If certification of defendant's right of appeal is not filed within 30 days of the date of this letter, the trial court clerk is directed to so notify the appellate clerk on or before 45 days from the date of this letter, and the matter will be referred to the appellate court for appropriate order. See TEX. R. APP. P. 34.5(c), 37.1.

Very truly yours,

Vivian Long

VIVIAN LONG, CLERK

xc: Laura Nodolf (DELIVERED VIA E-MAIL)
Eric Kalenak (DELIVERED VIA E-MAIL)
Brent A. Morgan (DELIVERED VIA E-MAIL)



Court of Appeals

BRIAN QUINN
Chief Justice

JAMES T. CAMPBELL
Justice

PATRICK A. PIRTLE
Justice

JUDY C. PARKER
Justice

Seventh District of Texas
Potter County Courts Building
501 S. Millmore, Suite 2-A
Amarillo, Texas 79101-2449
www.txcourts.gov/7thcoa.aspx

VIVIAN LONG
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

(806) 342-2650

August 22, 2019

Brent A. Morgan
Attorney at Law
415 West Wall Street, Suite 1412
Midland, TX 79701
* DELIVERED VIA E-MAIL *

RE: Case Number: 07-19-00122-CR
Trial Court Case Number: CR51328

Style: Sebastian Alexander Zapata v. The State of Texas

Dear Counsel:

The Appellant's brief was filed on August 22, 2019.

Very truly yours,

Vivian Long

VIVIAN LONG, CLERK

xc: Laura Nodolf (DELIVERED VIA E-MAIL)
Eric Kalenak (DELIVERED VIA E-MAIL)



Court of Appeals

BRIAN QUINN
Chief Justice

JAMES T. CAMPBELL
Justice

PATRICK A. BIRTLE
Justice

JUDY C. PARKER
Justice

Seventh District of Texas
Potter County Courts Building
501 S. Fillmore, Suite 2-A
Amarillo, Texas 79101-2449
www.txcourts.gov/7thcoa.aspx

VIVIAN LONG
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

(806) 342-2650

July 23, 2019

Brent A. Morgan
Attorney at Law
415 West Wall Street, Suite 1412
Midland, TX 79701
* DELIVERED VIA E-MAIL *

Laura Nodolf
District Attorney
Eric Kalenak
Assistant District Attorney
500 North Loraine Street, Suite 200
Midland, TX 79701
* DELIVERED VIA E-MAIL *

RE: Case Number: 07-19-00122-CR; Trial Court Case Number: CR51328

Style: Sebastian Alexander Zapata v. The State of Texas

Dear Counsel:

The following was filed in the captioned appeal as of Tuesday, July 23, 2019:

Clerk's Record (1 volume)

Very truly yours,

Vivian Long

VIVIAN LONG, CLERK

xc: Honorable Elizabeth Leonard (DELIVERED VIA E-MAIL)
Alex Archuleta (DELIVERED VIA E-MAIL)



Court of Appeals

BRIAN QUINN
Chief Justice

JAMES T. CAMPBELL
Justice

PATRICK A. PIRTLE
Justice

JUDY C. PARKER
Justice

Seventh District of Texas
Potter County Courts Building
501 S. Fillmore, Suite 2-A
Amarillo, Texas 79101-2449
www.txcourts.gov/7thcoa.aspx

VIVIAN LONG
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

(806) 342-2650

June 3, 2019

Brent A. Morgan
Attorney at Law
415 West Wall Street, Suite 1412
Midland, TX 79701
* DELIVERED VIA E-MAIL *

Laura Nodolf
District Attorney
Eric Kalenak
Assistant District Attorney
500 North Loraine Street, Suite 200
Midland, TX 79701
* DELIVERED VIA E-MAIL *

RE: Case Number: 07-19-00122-CR
Trial Court Case Number: CR51328

Style: Sebastian Alexander Zapata v. The State of Texas

Dear Counsel:

The following was filed June 03, 2019, in the captioned appeal:

Reporter's Record (5 volumes)

Very truly yours,

Vivian Long

VIVIAN LONG, CLERK

xc: Honorable Rodney W. Satterwhite (DELIVERED VIA E-MAIL)
Honorable Elizabeth Leonard (DELIVERED VIA E-MAIL)
Monica Lancaster (DELIVERED VIA E-MAIL)
Alex Archuleta (DELIVERED VIA E-MAIL)
Kimberly Julian (DELIVERED VIA E-MAIL)



Court of Appeals

BRIAN QUINN
Chief Justice

JAMES T. CAMPBELL
Justice

PATRICK A. PIRTLE
Justice

JUDY C. PARKER
Justice

Seventh District of Texas
Potter County Courts Building
501 S. Fillmore, Suite 2-A
Amarillo, Texas 79101-2449
www.txcourts.gov/7thcoa.aspx

VIVIAN LONG
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

(806) 342-2650

August 1, 2019

Brent A. Morgan
Attorney at Law
415 West Wall Street, Suite 1412
Midland, TX 79701
* DELIVERED VIA E-MAIL *

Laura Nodolf
District Attorney
Eric Kalenak
Assistant District Attorney
500 North Loraine Street, Suite 200
Midland, TX 79701
* DELIVERED VIA E-MAIL *

RE: Case Number: 07-19-00122-CR
Trial Court Case Number: CR51328

Style: Sebastian Alexander Zapata v. The State of Texas

Dear Counsel:

The following has been filed in the captioned appeal:

Supplemental Clerk's Record (1 volume, Trial Court Certifications of
Defendant's Right of Appeal)

Very truly yours,

Vivian Long

VIVIAN LONG, CLERK

xc: Honorable Elizabeth Leonard (DELIVERED VIA E-MAIL)
Honorable Rodney W. Satterwhite (DELIVERED VIA E-MAIL)
Alex Archuleta (DELIVERED VIA E-MAIL)

CR51328

Alex Archuleta

District Clerk

Midland County, Texas

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

**NOTICE OF INTENT TO OFFER EVIDENCE OF EXTRANEEOUS CRIMES,
ACTS AND WRONGS COMMITTED BY THE DEFENDANT IN STATE'S CASE
IN CHIEF ON GUILT-INNOCENCE AND/OR PUNISHMENT**

COMES NOW the State of Texas by and through her District Attorney and gives notice to the defendant as required by TEX. R. CRIM. EVID. 404(b) and 609 as well as Section 37.07 of the TEX. CODE CRIM. PROC. that the State of Texas intends to offer in the State's case in chief at guilt-innocence and/or punishment evidence, or for the purpose of enhancing the range of punishment, or for the purpose of impeachment, of the following crimes, acts and wrongs committed by the defendant, which may be considered extraneous, to-wit:

1. On or about May 18, 2016, in Travis County, the defendant solicited a prostitute through an internet site and text message.
2. On or about August 27, 2017, in Ector County the defendant solicited prostitutes through an internet site and text message.
3. On or about November 8, 2017, the defendant attempted to solicit sex through an internet site and text message.
4. On or about November 16, 2017, the defendant solicited a prostitute through an internet site and text message.
5. On or about December 6, 2017, the defendant solicited a prostitute through an internet site and text message.
6. On or about December 13, 2017, the defendant solicited a prostitute through an

internet site and text message.

7. On or about December 14, 2017, the defendant responded to 5 different ads in an attempt to solicit sex through an internet site and text message.
8. On or about February 8, 2018, the defendant responded to multiple ads in an attempt to solicit sex through an internet site and text message.
9. On or about February 14, 2018, the defendant responded to 5 ads in an attempt to solicit sex through an internet site and text message.
10. On or about February 15, 2018, the defendant solicited a prostitute through an internet site and text message.
11. On or about February 16, 2018, before responding to the ad in the undercover sting, the defendant responded to a different ad in an attempt to solicit sex through an internet site and text message.
12. In his post-polygraph interview, defendant admitted to having touched his 11 year old cousin, Mia Solis, on her breast around two years ago.

WHEREFORE, PREMISES CONSIDERED, the defendant is hereby notified that at the trial of the above entitled and numbered cause, the State intends to introduce in evidence at the State's case in chief on guilt-innocence and/or punishment the aforesaid extraneous crimes, acts and wrongs committed by the said defendant.

Respectfully submitted,

/s/

Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CERTIFICATE OF SERVICE

I, the below signed Attorney for Midland County, Texas, do hereby certify that on 17th day of September, 2018, I sent a true and correct copy of the foregoing NOTICE by transmission through the authorized electronic filing manager or as otherwise permitted by law to Tom Morgan, the attorney of record for the defendant.

/s/
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
da110@co.midland.tx.us

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

**NOTICE OF INTENT TO OFFER EVIDENCE OF EXTRANEIOUS CRIMES,
ACTS AND WRONGS COMMITTED BY THE DEFENDANT IN STATE'S CASE
IN CHIEF ON GUILT-INNOCENCE AND/OR PUNISHMENT**

COMES NOW the State of Texas by and through her District Attorney and gives notice to the defendant as required by TEX. R. CRIM. EVID. 404(b) and 609 as well as Section 37.07 of the TEX. CODE CRIM. PROC. that the State of Texas intends to offer in the State's case in chief at guilt-innocence and/or punishment evidence, or for the purpose of enhancing the range of punishment, or for the purpose of impeachment, of the following crimes, acts and wrongs committed by the defendant, which may be considered extraneous, to-wit:

1. On or about May 18, 2016, in Travis County, the defendant solicited a prostitute through an internet site and text message.
2. On or about August 27, 2017, in Ector County the defendant solicited prostitutes through an internet site and text message.
3. On or about November 8, 2017, the defendant attempted to solicit sex through an internet site and text message.
4. On or about November 16, 2017, the defendant solicited a prostitute through an internet site and text message.
5. On or about December 6, 2017, the defendant solicited a prostitute through an internet site and text message.
6. On or about December 13, 2017, the defendant solicited a prostitute through an

internet site and text message.

7. On or about December 14, 2017, the defendant responded to 5 different ads in an attempt to solicit sex through an internet site and text message.
8. On or about February 8, 2018, the defendant responded to multiple ads in an attempt to solicit sex through an internet site and text message.
9. On or about February 14, 2018, the defendant responded to 5 ads in an attempt to solicit sex through an internet site and text message.
10. On or about February 15, 2018, the defendant solicited a prostitute through an internet site and text message.
11. On or about February 16, 2018, before responding to the ad in the undercover sting, the defendant responded to a different ad in an attempt to solicit sex through an internet site and text message.
12. In his post-polygraph interview, defendant admitted to having touched, [REDACTED], [REDACTED], on her breast around two years ago.

WHEREFORE, PREMISES CONSIDERED, the defendant is hereby notified that at the trial of the above entitled and numbered cause, the State intends to introduce in evidence at the State's case in chief on guilt-innocence and/or punishment the aforesaid extraneous crimes, acts and wrongs committed by the said defendant.

Respectfully submitted,

/s/

Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CERTIFICATE OF SERVICE

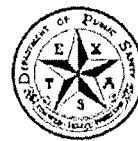
I, the below signed Attorney for Midland County, Texas, do hereby certify that on 17th day of September, 2018, I sent a true and correct copy of the foregoing NOTICE by transmission through the authorized electronic filing manager or as otherwise permitted by law to Tom Morgan, the attorney of record for the defendant.

/s/

Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal110@co.midland.tx.us



TEXAS DEPARTMENT OF PUBLIC SAFETY

**Consent to Search**
COMMUNICATIONS, ELECTRONIC, DIGITAL, and ELECTRONIC-
STORAGE DEVICES

STATE OF TEXAS

COUNTY OF Midland

I, Zapata, Sebastian, have been asked to give my consent to search the Communication, Electronic, Digital and/or Electronic Storage device(s) in my possession, care, custody, and control. I have also been informed of my right to refuse to consent to such a search.

I hereby grant my consent to D. Clever and any other person(s) designated by the Texas Department of Public Safety to conduct a complete search of the following described electronic device(s):

DEVICE DESCRIPTION

Provide a description of the cellular telephone or other device, including make, model, serial number, and phone number, if available. In addition, document the password for each device.

Device 1:	<u>LG</u> (Make/Model)	<u>710CYK5465231</u> (Serial Number)	<u>432-215-7617</u> (Phone Number)	 (Password)
Device 2:	<u>Gdony 55</u> (Make/Model)	<u>R0238F405305A</u> (Serial Number)	<u>432-924-7122</u> (Phone Number)	 (Password)
Device 3:	 (Make/Model)	 (Serial Number)	 (Phone Number)	 (Password)
Device 4:	 (Make/Model)	 (Serial Number)	 (Phone Number)	 (Password)
Device 5:	 (Make/Model)	 (Serial Number)	 (Phone Number)	 (Password)

I certify that I own, possess, control, and/or have a right of access to these devices and all information found in them. I understand that any contraband or evidence on these devices may be used against me in a court of law. I further understand that any of the above mentioned items may be transported out of this county for further examination or investigation by the Department of Public Safety or persons acting under its direction.

This written consent is given by me voluntarily. I have not been threatened, placed under duress, or promised anything in exchange for my consent. I understand that I have the right to withdraw my consent at any time. I have read this form; it has been read to me; and I understand it. I understand the English language and have been able to communicate with the agents/officers.

Date: February 16 2015
(Month) (Day) (Year)

Time: 2045hrs ☐ AM ☐ PM

Sebastian A. Zapata
(Printed Name)

[Signature]
(Signature)

State ID/DL Number: [REDACTED]

State: Tx

5 Alonzo
(Printed Name of Witness)

[Signature]
(Signature of Witness)

ID Number: _____

PERSONAL HISTORY

FILE NUMBER		NAME - LAST, FIRST, MIDDLE <i>Zupate Sebastian Alexander</i>				<input type="checkbox"/> ARREST <input type="checkbox"/> SUSPECT <input type="checkbox"/> DEBRIEF <input type="checkbox"/> CI	
AGE / RACE / SEX <i>22 w m</i>		ALIAS/NICKNAME				DATE OF BIRTH <i>[REDACTED]</i>	
PLACE OF BIRTH <i>midland tx</i>	US CITIZEN <i>Yes</i>	HEIGHT <i>5'09"</i>	WEIGHT <i>175</i>	HAIR <i>Blk</i>	EYES <i>Brn</i>	SCARS, MARKS, TATTOOS	
DL# AND STATE <i>[REDACTED]</i>	SOCIAL SECURITY NO. <i>[REDACTED]</i>		FBI NUMBER		SID NUMBER	HOME PHONE	CELL PHONE
E-MAIL ADDRESS		PRESENT ADDRESS <i>3202 Baumann Midland Tx 79701</i>				ALTERNATE ADDRESS	
SOCIAL MEDIA							
DRUG USED <input type="checkbox"/> HEROIN <input type="checkbox"/> COCAINE <input type="checkbox"/> GRACK <input type="checkbox"/> CANNABIS <input type="checkbox"/> LSD <input type="checkbox"/> METH <input type="checkbox"/> MDMA <input type="checkbox"/> DEPRESSANTS <input type="checkbox"/> STIMULANTS <input type="checkbox"/> OTHER							
DRUG ADDICTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FIRST DRUG USED <i>None</i>			LAST TIME DRUG USED		
FIREARM(S) MAKE/MODEL CALIBER SERIAL NO.			VEHICLE(S) YEAR MAKE MODEL LIC. NO. YEAR STATE VIN				
STORAGE ADDRESS OF VEHICLE		SEIZED <input type="checkbox"/> YES <input type="checkbox"/> NO	ASSET FORFEITURE <input type="checkbox"/> YES <input type="checkbox"/> NO		DATE OF ARREST <i>2.16.18</i>	TIME <i>823p</i>	<input type="checkbox"/> PRINTED <input type="checkbox"/> MUGGED <input type="checkbox"/> MIRANDIZED
LOCATION OF ARREST		CHARGES FILED				TYPE OF CLOTHING <i>Tin shoes Green shorts Blue shirt Grey Socks</i>	
PRIOR CRIMINAL RECORD <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		PRIOR DRUG ARREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		PRIOR DRUG CONVICTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		RELEASE PENDING TRIAL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
PLACE BOOKED		PRESENT EMPLOYER'S ADDRESS <i>Unemployed</i>		EMPLOYER'S PHONE NUMBER		OCCUPATION	
ASSOCIATE VEHICLE INFORMATION YEAR MAKE MODEL		LICENSE NO.		STATE YEAR COLOR		OWNER <input type="checkbox"/> YES <input type="checkbox"/> NO OCCUPANT <input type="checkbox"/> YES <input type="checkbox"/> NO	
MARITAL STATUS <i>Single</i>	NAME OF SPOUSE			SPOUSE'S EMPLOYER		SPOUSE'S EMPLOYER'S PHONE #	
NAME OF EX-SPOUSES AND ADDRESSES							
CRIMINAL ASSOCIATES/ADDRESSES AND CONTACT INFORMATION							
ALL OFFICERS INVOLVED							
AGENT				ID NUMBER	DATE	APPROVAL	

MIDLAND COUNTY PROCESSING INFORMATION

PERSONAL DATA

NAME-LAST ZAPATA		FIRST SEBASTIAN		MIDDLE ALEXANDER		ALIAS		MPD#	MSO#	
<input checked="" type="checkbox"/> D.O.B.	<input type="checkbox"/> I.D.	STATE TX	DATE OF BIRTH [REDACTED]	SOC SEC # [REDACTED]			AGE 22	HEIGHT 5'09	WEIGHT 175	
RACE W	ETHNICITY HISPANIC	SKIN TONE CODE LBR		GENDER MALE		CITIZENSHIP USA	PLACE OF BIRTH USA	HAIR BLK	EYES BRO	
SCARS / MARKS / TATTOOS							GANG AFFILIATION			
HOME ADDRESS 3202 BAUMANN, MIDLAND, TX, 79701							PHONE 432-215-7617			
BUSINESS ADDRESS							PHONE			

ARREST DATA

ARREST DATE 2/16/2018	ARREST TIME 2358 HRS	LOCATION OF ARREST 2326 W LOOP 250 N		COMPLAINT #
OFFENSE CODE 1 36990023	THIS OFFENSE DATE 02/16/18	WARRANT / CITATION # AND / OR OFFENSE ONLINE SOLICITATION OF A MINOR UNDER 14		
PENAL OR CCP # 33.021(f) PC	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3	F2	MISDEMEANOR A,B, or C
OFFENSE CODE 2	THIS OFFENSE DATE	WARRANT / CITATION # AND / OR OFFENSE		
PENAL OR CCP #	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C
OFFENSE CODE 3	THIS OFFENSE DATE	WARRANT / CITATION # AND / OR OFFENSE		
PENAL OR CCP #	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C
OFFENSE CODE 4	THIS OFFENSE DATE	WARRANT / CITATION # AND / OR OFFENSE		
PENAL OR CCP #	LEVEL & DEGREE	FELONY CAPITOL (X), 1, 2, OR 3		MISDEMEANOR A,B, or C

DOES NOT APPLY ☐

VICTIM'S AGE: _____

FIREARMS

VEHICLE DATA

OPERATING VEHICLE		YES <input type="checkbox"/>	NO <input type="checkbox"/>	TRANSPORTING HAZARDOUS MATERIAL	
OPERATING COMMERCIAL VEHICLE		YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
VEHICLE TOWED BY:				RELEASED TO	LEFT AT SCENE
VEHICLE MAKE	YEAR	MODEL	STYLE	LIC #	STATE / YR
FIREARM CODE 1			CONFISCATED YES <input type="checkbox"/> NO <input type="checkbox"/>		

EMERGENCY CIRCUMSTANCE

OF ARREST

CONTACT

IN REFERENCE TO ONLINE SOLICITATION OF A MINOR	
NAME	ADDRESS
RELATIONSHIP	PHONE NUMBER (AREA CODE & NUMBER)

D.OLVERA / P298
ARRESTING OFFICER

MIDLAND POLICE DEPT.
AGENCY

A.CHILSON / P336
TRANSPORTING OFFICER

02/17/18
DATE

RECEIVING PERSONNEL - JAIL ONLY

MIDLAND COUNTY CENTRAL DETENTION CENTER SCREENING FORM FOR SUICIDE AND MENTAL IMPAIRMENTS

PRISONER NAME: SEBASTIAN ALEXANDER ZAPATA

DATE OF BIRTH: [REDACTED]

STATE I.D. NUMBER (IF KNOWN): TX - [REDACTED]

DATE: February 16, 2018 COMPLETED BY: D.OLVERA

Does the arresting officer or any other person have reasonable cause to believe that the defendant committed to the sheriff's custody has a MEDICAL CONDITION, MENTAL ILLNESS, MENTAL RETARDATION, OR SUICIDE CONCERN? ☐ YES ☒ NO

COMMENTS: _____

SELF-REPORT QUESTIONS (PLEASE ELABORATE AS NEEDED)

Are there any current medical problems, recent hospitalizations or serious injuries or concerns about withdrawal? ☐ YES ☒ NO

Medications: ☐ YES ☒ NO _____

Have you received services for mental health or mental retardation? ☐ YES ☒ NO

Additional comments below.

To comply with CCP Art. 16.22, this form is completed for each inmate and provided with the arrest paperwork.

D.OLVERA
OFFICER

MIDLAND POLICE DEPT.
AGENCY

P298
UNIT NUMBER

AFFIDAVIT OF PROBABLE CAUSE

THE STATE OF TEXAS

§

§

CAUSE NO.

COUNTY OF MIDLAND

§

The undersigned affiant, David Olvera, being a peace officer under the laws of Texas and being duly sworn, on oath makes the following statement and accusation:

1. Suspected Party:

SEBASTIAN ALEXANDER ZAPATA, HISPANIC/male, DOB: [REDACTED],
BLACK hair, brown eyes, 5' 09", 175 lbs,
TX DL#: [REDACTED], SS#: [REDACTED], TX SID: none

2. It is the belief of affiant, and he hereby charges and accuses, that said suspected party has committed the following offense:

Online Solicitation of a Minor, 2nd Degree Felony 33.021(c) PC, -

3. Affiant has probable cause for said belief by reason of the following facts, to wit:

On FEBRUARY 16, your Affiant (Det. D. Olvera P114) and Texas DPS CID Special Agents were conducting an undercover solicitation sting posing as a female child 13yoa. SEBASTIAN ALEXANDER ZAPATA responded to an advertisement posted on the internet. SEBASTIAN ZAPATA then agreed to meet the undercover agent who was posing as a 13yoa Juvenile female child to engage in sexual conduct. SEBASTIAN ZAPATA initially responded to the undercover agent's advertisement on text messages. During the conversation, the undercover Agent posing as a 13 year old girl, told SEBASTIAN ZAPATA that "I'm almost 14 but look a lot older". SEBASTIAN ZAPATA stated "Wew. I dont think cragslist is where you want to find dates at your age". SEBASTIAN ZAPATA then stated, "So. If youre ready and willing . I would love to teach sex with you". At approximately 1959 HOURS, SEBASTIAN ZAPATA arrived at a predetermined location to meet what SEBASTIAN ZAPATA believed was a 13 year old female child. Texas DPS CID Special Agents and MPD officers placed SEBASTIAN ZAPATA under arrest. During an interview, SEBASTIAN ZAPATA made statements against his penal interest stating that he was aware that the person he was chatting with was a 13 year old girl and that he wanted to have sex with her.


AFFIANT

David Olvera,

SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED AUTHORITY BY SAID AFFIANT,
ON THIS THE 17 DAY OF Feb, 2018.

PEACE OFFICER, STATE OF TEXAS

FELONY COMPLAINT

OFFENSE: Online Solicitation of a Minor, 2nd Degree Felony 33.021 PC

J.P. #: _____

DATE: _____

BOND: \$ _____

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared affiant, who after being by me first duly sworn, says on or about the 16th day of February, A.D. 2018 and before the making and filing of this complaint, in the County of Midland, State of Texas,

Sebastian Alexander Zapata, hispanic/male, DOB: [REDACTED],
black hair, brown eyes, 5' 09", 175 lbs,
TX DL#: [REDACTED], SS#: [REDACTED],

did then and there intentionally and knowingly over the Internet, by electronic mail or text message or other electronic message service or system or through a commercial online service knowingly solicits a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person, against the peace and dignity of the State.



AFFIANT

Sworn to and subscribed before me by affiant, a credible person, on this the 17
day of Feb, A.D. 2018

JUSTICE OF THE PEACE
Midland County, Texas

Time Filed: _____

OFFENSE REPORT MIDLAND TX POLICE DEPARTMENT

180216060Supplement No
ORIG**DRAFT**Reported Date
02/16/2018Call Type
PROSTIMember#/Dept ID#
ALONZO, JENNIE

Administrative Information

Agency	MIDLAND TX POLICE DEPARTMENT	Case No	180216060	Supplement No	ORIG	Reported Date	02/16/2018	Reported Time	23:51	CAD Inc No	180205973
Status	Report	Call Type	PROSTITUTION	Location	2405 S LOOP 250 W						
City	Midland	PBLK	0201	Area	CITY	Sector	P6	From Date	02/16/2018	From Time	23:51
Member#/Dept ID#	P298/ALONZO, JENNIE			Assignment	ISB Persons		Entered by	P114		Assignment	ISB Persons
Prop Trans Stat	Assigned Tag No			Report Title	OFFENSE REPORT		Approving Officer	Approval Date			
Approval Time											
# Offenses	1	Offense	64080003		Description	ONLINE SOLICIT OF A		Complaint Type			

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
ARR	1	I	ZAPATA, SEBASTIAN ALEXANDER	10069144	W	M	[REDACTED]

Involvement	Description
EVD	Article: Other (None Of The Above) MISC case documents and texts
Involvement	EVD
Description	Article: Other (None Of The Above) MISC flash drive of interviews and phone download

Summary Narrative

in reference to online solicitation sting

Report Officer
P298/ALONZO, JENNIEPrinted At
03/09/2018 13:38

Page 1 of 3

OFFENSE REPORT MIDLAND TX POLICE DEPARTMENT

180216060
DRAFT

Supplement No
ORIG

Arrestee 1: ZAPATA, SEBASTIAN ALEXANDER

Involvement	Arrestee	Invl No	1	Type	Individual	Name	ZAPATA, SEBASTIAN ALEXANDER			MNI	10069144	Race	White
Sex	Male	DOB	[REDACTED]	Age	22	Ethnicity	Hispanic Origin	Juvenile?	No	Height	5'09"	Weight	175#
												Hair Color	Black
												Eye Color	Brown
Type	Home	Address						3202 BAUMANN		City	Midland	State	Texas
Date	02/16/2018												
Type	Operator License						ID No	[REDACTED]	OLS	Texas			
Type	Social Security Number						ID No	[REDACTED]					
Phone Type	Cell	Phone No	(432) 215-7617			Date	02/16/2018						
Involvement	Arrested	Arrest Type	Arrested	Arrest Date	02/16/2018	Arrest Time	23:58:00	Book Date	02/16/2018	Book Time	23:58:00	Status	Booked
Charge	64080003			Level	F2	Charge Literal	ONLINE SOLICIT OF A						

Prop #	1	Involvement	Evidence	Invl Date	02/16/2018	In Custody?	Yes	Security	No	Tag No	180001175	Item No	1
Description	case documents and texts										Type	A	
Cat	Other (None Of The Above)			Article	Miscellaneous	Entered Date	03/09/2018	Entered Time	13:33	Control	P114	0309181336	

Prop #	2	Involvement	Evidence	Invl Date	02/16/2018	In Custody?	Yes	Security	No	Tag No	180001175	Item No	2
Description	flash drive of interviews and phone download										Type	A	
Cat	Other (None Of The Above)			Article	Miscellaneous	Entered Date	03/09/2018	Entered Time	13:34	Control	P114	0309181336	

Narrative

Midland Police Department
Investigative Follow Up
Detective D. Olvera / P114
Crimes Against Persons Division
Case Number- 180216060

Investigation

On February 16, 2018 Texas DPS conducted and undercover investigation consisting of online solicitation of a minor in which I Det. D. Olvera with the Midland Police Department assisted. DPS agents chatted with individuals and advised the individuals that they were a 13 year old female. One of the individuals that chatted with the DPS agents was identified as Sebastian Alexander Zapata (H/M, DOB [REDACTED]).

During the chat Zapata initiated a conversation about sex including the fact that he wanted to have sex with the 13 year old girl. Zapata and the undercover agent agreed to meet in a location with the intentions of having sex. Once Zapata arrived at the agreed upon location Zapata was arrested for online solicitation and transported to the DPS station for questioning. A text message was also sent to Zapata's phone to confirm that it was his phone that was in his possession that was the phone texting the undercover agent.

Once at DPS I advised Zapata of his Miranda Warning to which he stated that he understood his rights and then provided the following statement. Zapata said that he had an urge and he thought this girl was his one and only chance because he has been single and depressed for a while.

Zapata said that he has been chatting with people for several months but he has not actually ever met anyone before. Zapata said that he initially wanted to have sex with the girl tonight but then he realized it was wrong and wanted to save her. Zapata said that he felt that she was "egging it on" so he initiated the sex talk. Zapata said that when he initiated wanting to have sex with her he said that he knew that the girl was 13 years of age. Zapata

**OFFENSE REPORT
MIDLAND TX POLICE DEPARTMENT**

**180216060
DRAFT**

Supplement No
ORIG

Narrative

said that he did it because he is lonely and desperate.

While I was talking with Zapata I asked him if he would be willing to take a polygraph test to which he said that he would. I then asked him if he would be willing to give us to consent to look through his phone to which he said that we could and signed the consent to search his phone form.

I then showed Zapata the print out of the phone messages that he exchanged with the undercover agent which he confirmed were the messages that he sent and received. Zapata said that he was excited about meeting the 13 year old girl that he even masturbated before going to meet her.

After Zapata's statement he was taking to the polygraph room so that the polygraph could be administered. A copy of my interview, the polygraph interview, the text conversation and other case documents were logged into MPD evidence.

After the polygraph Zapata was transported to the Midland Central Detention Center for processing. At this time this case will be closed with the arrest of Zapata for online solicitation of a minor.

**FELONY & MISDEMEANOR
DIVISION**
Fax (432) 688-4938



**CRIMINAL INVESTIGATION
DIVISION**
Fax (432) 688-4919

VICTIM ASSISTANCE DIVISION
Fax (432) 688-4958

HOT CHECK DIVISION
Phone (432) 688-4413
Fax (432) 688-4936

LAURA A. NODOLF
DISTRICT ATTORNEY
(432) 688-4410

500 N. Loraine, Suite 200 • Midland County Courthouse • Midland, Texas 79701

2/20/2018

MIDLAND PD
Attention: Kristin - MPD

RE: Offense Report No: None
Offense: ONLINE SOLICITATION OF A MINOR UNDER 14
Defendant: SEBASTIAN ALEXANDER ZAPATA

Dear Kristin - MPD,

I am respectfully requesting the following by February 23, 2018:

Please accept this request from the Midland District Attorney's Office for any and all evidence regarding the following cases including, but not limited to: all documents, reports, call logs, ALL in-car videos, surveillance videos, store or commercial surveillance videos, 911 calls, witness and defendant statement that were either written or electronically recorded, officer notes, photographs, photo lineups, drawings, affidavits, complaints, search warrants, arrest warrants, autopsy reports, medical records, laboratory reports, inventories, bank records, accounts, and any other thing that in accordance with Texas Code of Criminal Procedure 39.14 that tends to prove or negate the defendant's guilt and/or that would mitigate the defendant's punishment at trial.

Sincerely,

Laura A. Nodolf
Midland District Attorney

LH

____ DISTRICT COURT; ____ COUNTY COURT MIDLAND COUNTY, TEXAS
THE STATE OF TEXAS §
-VS- §
SEBASTIAN ALEXANDER ZAPATA §
NO. F118067 §
BY _____ DEPUTY

2018 FEB 28 PM 1:13

ROSS COUNTY CLERK
MIDLAND COUNTY, TEXAS

APPEARANCE OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, **Wayne Frost** appearing for the above-named Defendant, entering a formal plea of "NOT GUILTY"/"NOT TRUE", (as appropriate); respectfully showing the Court the following:

I

Counsel received actual notice of appointment herein on February 26, 2018 and made the required defendant-contact within 24 hours of same (OR _____). Defendant was also interviewed that day (OR _____) (____ in custody).

- ☒ Custodial interview was not possible - Defendant bonded from jail and/or personal conference could not be accommodated at jail. Personal conference with Defendant will follow.
- ____ Defendant has other cases and was already contacted and interviewed.
- ____ Due to Defendant's custodial status a personal recognizance bond is requested.

II

By copy hereof, the State's attorney has been notified accordingly so "discovery", plea offer(s), if any, and other, may proceed in the most efficient manner possible.

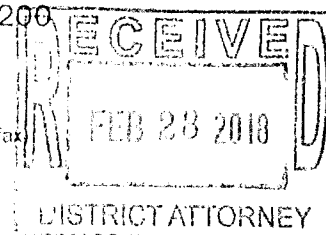
III

Request for notice of future settings and other is made by copy hereof.

Respectfully submitted,

Wayne Frost

Wayne Frost, Bar #07491200
203 W. Wall, Suite 205
Midland, TX 79701
(432) 570-8124 (phone or fax)



UH

NO. CR51328

2010 SEP 16 AM 8:02

STATE OF TEXAS

§
§
§
§
§

IN THE DISTRICT COURT

VS.

238

JUDICIAL DISTRICT

SEBASTIAN ZAPATA

MIDLAND COUNTY, TEXAS

APPLICATION FOR PROBATION

TO THE HONORABLE JUDGE OF SAID COURT:

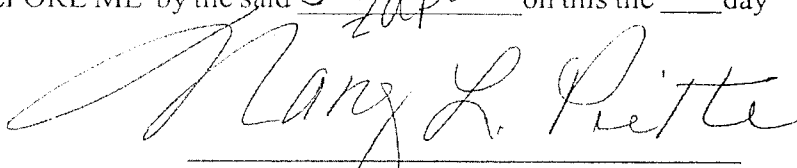
COMES NOW the Defendant, SEBASTIAN ZAPATA, prior to the beginning of the penalty stage of the above entitled and numbered cause, wherein he is charged with the felony offense of Aggravated Assault, files this his Application For Probation and would respectfully show the following:

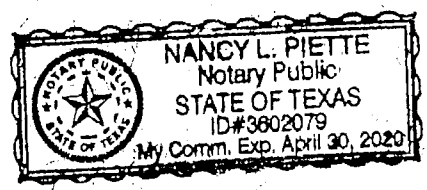
That he has never before been convicted of a felony.

WHEREFORE, the Defendant prays that in the event he is found guilty that the imposition of his sentence, both as to confinement and fine, be suspended and that he be placed on probation.


SEBASTIAN ZAPATA

SWORN TO AND SUBSCRIBED BEFORE ME by the said Sebastian Zapata on this the 17 day of September, 2018.


NOTARY PUBLIC, STATE OF TEXAS



LH

FILED

NO. CR-51,328

2018 OCT -3 PM 2: 29

STATE OF TEXAS

§ IN THE DISTRICT COURT
ALEX ARDULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

vs.

§ MIDLAND COUNTY, TEXAS BY DEPUTY

SEBASTIAN ALEXANDER ZAPATA

§ 238th JUDICIAL DISTRICT

COUNSEL'S MOTION TO WITHDRAW

TO THE HONORABLE JUDGE OF SAID COURT:

THOMAS S. MORGAN, attorney for Defendant, SEBASTIAN ALEXANDER ZAPATA, hereby moves for leave to withdraw as defense counsel herein, and as grounds for such would respectfully show the following:

1.

Defense counsel was retained to represent the Defendant by his mother on or about July 31, 2018.

2.

Since that date, Defendant, through his mother, has expressed concerns about the undersigned not providing her son with experienced representation.

3.

Furthermore, the Defendant, through his mother, has also refused to listen to the undersigned and has continuously questioned the advice he has given to the Defendant. In addition, the Defendant's mother has stated that the undersigned does not believe in the defensive theory of the case.

(1)

4.

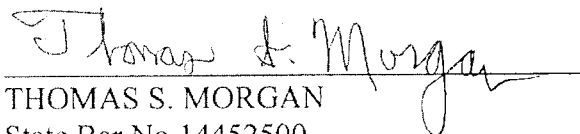
Many of these assertions, Defendant, through his mother, has relayed these beliefs to Nancy Piette, the investigator for the Defendant, who has encouraged her to consult with the undersigned, but neither Defendant nor his mother have done so.

5.

Any insinuation that defense counsel is failing to provide Defendant with zealous and effective representation is a serious charge and should not go unaddressed. Counsel believes because of these assertions, an irreconcilable conflict has arisen between counsel and Defendant, which have irreparably undermined and damaged the attorney-client relationship. Counsel therefore seeks leave to withdraw so that the Defendant can retain an attorney whom he believes is experienced and will provide the effective assistance of counsel.

PREMISES CONSIDERED, the undersigned prays that the Court set this matter for hearing, and grant the relief requested herein.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas S. Morgan", is written over a horizontal line.

THOMAS S. MORGAN

State Bar No. 14452500

1902 West Illinois

Midland, Texas 79701

432-683-2703

432-684-7314 (Facsimile)

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, THOMAS S. MORGAN, hereby certify that a true and correct copy of the above and foregoing was forwarded to the Office of the District Attorney, Midland County Courthouse, Midland, Texas 79701 and to Mr. Sebastian Alexander Zapata, 3502 Baumann Avenue Midland, Texas 79703, on this 3 day of October, 2018.


THOMAS S. MORGAN

NO. CR-51,328

STATE OF TEXAS

§ IN THE DISTRICT COURT

vs.

§ MIDLAND COUNTY, TEXAS

SEBASTIAN ALEXANDER ZAPATA

§ 238th JUDICIAL DISTRICT

ORDER SETTING HEARING DATE

On this day the Court considered the motion filed by THOMAS S. MORGAN seeking the Court's permission to withdraw as attorney of record for Defendant, SEBASTIAN ALEXANDER ZAPATA.

IT IS HEREBY ORDERED that such Motion is hereby scheduled for hearing on the _____ day of _____, 2018 at _____ o'clock ____m.

SIGNED this the _____ day of October, 2018.

JUDGE PRESIDING

NO. CR-51,328

FILED

LH

STATE OF TEXAS

§

IN THE DISTRICT COURT OF

V.

§

ALEX ARCHULETA
MIDLAND COUNTY, TEXAS
MIDLAND COUNTY, TEXAS
DEPUTY

SEBASTIAN ALEXANDER ZAPATA

§

238TH JUDICIAL DISTRICT

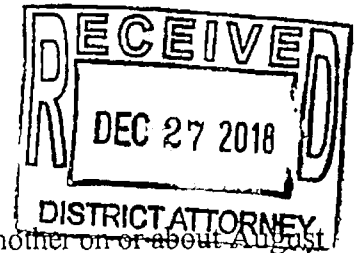
COUNSEL'S SECOND MOTION TO WITHDRAW

TO THE HONORABLE JUDGE OF SAID COURT:

THOMAS S. MORGAN, attorney for Defendant, SEBASTIAN ALEXANDER ZAPATA, hereby moves for leave to withdraw as defense counsel herein, and as grounds for such would respectfully show the following:

1.

Defense counsel was retained to represent the Defendant by his mother on or about August 6, 2018.



2.

On October 3, 2018 the undersigned file his first Motion to Withdraw which was denied by the Honorable Court on October 12, 2018.

3.

Since that date, the Defendant, along with his mother, have again expressed mistrust and accused the undersigned of covering up for "the police corruption that exists". Specifically, Defendant's mother wrote a letter to the Honorable Judge Leonard on November 6, 2018, a copy of which is attached hereto as Exhibit "A". In this letter, it states we [referring to both the Defendant

COPY

and his mother, Aracely Yates] “know that he [referring to Thomas S. Morgan] and the previous two attorneys Sebastian had have tried to cover up the police corruption that exists”.

4.

This is a serious claim against the undersigned and not one in which he takes lightly. The undersigned has valid concerns that the Defendant and/or his mother will eventually file a grievance against him as was done to one of Defendant’s former attorneys or file an ineffective assistance of counsel claim at some point in the future. Because the undersigned feels that he is having to look over his shoulder to protect his reputation and his good standing in the legal community against his own client, the undersigned cannot move forward in this matter and effectively represent the interests of the Defendant.

5.

Because of these continuing assertions that defense counsel is failing to provide Defendant with zealous and effective representation and covering up for the police which, in essence, is that he is working against Defendant’s interests, is a serious charge. Because of these assertions, an irreconcilable difference has arisen between counsel and Defendant which has irreparably undermined and damaged the attorney-client relationship. Counsel therefore seeks leave to withdraw so that the Defendant can retain an attorney whom he believes is representing the Defendant’s interests and not that of the police.

PREMISES CONSIDERED, the undersigned prays that the Court set this matter for hearing, and grant the relief requested herein.

and his mother, Aracely Yates] “know that he [referring to Thomas S. Morgan] and the previous two attorneys Sebastian had have tried to cover up the police corruption that exists”.

4.

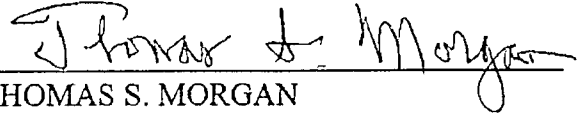
This is a serious claim against the undersigned and not one in which he takes lightly. The undersigned has valid concerns that the Defendant and/or his mother will eventually file a grievance against him as was done to one of Defendant’s former attorneys or file an ineffective assistance of counsel claim at some point in the future. Because the undersigned feels that he is having to look over his shoulder to protect his reputation and his good standing in the legal community against his own client, the undersigned cannot move forward in this matter and effectively represent the interests of the Defendant.

5.

Because of these continuing assertions that defense counsel is failing to provide Defendant with zealous and effective representation and covering up for the police which, in essence, is that he is working against Defendant’s interests, is a serious charge. Because of these assertions, an irreconcilable difference has arisen between counsel and Defendant which has irreparably undermined and damaged the attorney-client relationship. Counsel therefore seeks leave to withdraw so that the Defendant can retain an attorney whom he believes is representing the Defendant’s interests and not that of the police.

PREMISES CONSIDERED, the undersigned prays that the Court set this matter for hearing, and grant the relief requested herein.

Respectfully submitted,



THOMAS S. MORGAN

State Bar No.

1902 West Illinois

Midland, Texas 79701

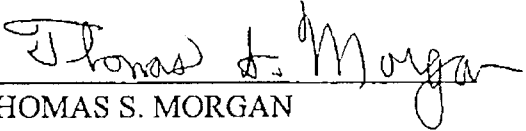
432-683-2703

432-684-7314 (Facsimile)

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, THOMAS S. MORGAN, hereby certify that a true and correct copy of the above and foregoing was forwarded to the Office of the District Attorney, Midland County Courthouse, Midland, Texas 79701 and to Mr. Sebastian Alexander Zapata, on this 27 day of December, 2018.



THOMAS S. MORGAN

NO. CR-51,328

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
V.	§	MIDLAND COUNTY, TEXAS
SEBASTIAN ALEXANDER ZAPATA	§	238 TH JUDICIAL DISTRICT

ORDER SETTING HEARING DATE

On this day the Court considered the motion filed by THOMAS S. MORGAN seeking the Court's permission to withdraw as attorney of record for Defendant, SEBASTIAN ALEXANDER ZAPATA.

IT IS HEREBY ORDERED that such Motion is hereby scheduled for hearing on the _____ day of _____, 2018 at _____ o'clock ____m.

SIGNED this the _____ day of December, 2018.

JUDGE PRESIDING

FILED

November 6, 2018

Judge Leonard
Midland County Courthouse
500 N. Lorraine St, 3rd Floor
Midland, TX 79701

2018 NOV -8 PM 2: 59

ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY *Shelbie Montes* DEPUTY

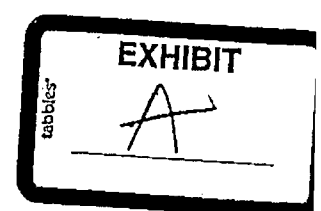
Re: (Sebastian Zapata Jo. CR-51,328) Video evidence we have that a Texas DPS officer created a story that was put on the police report, used for the indictment, and the prosecutor will now be using to prosecute. This is something we have been told not to talk about.

Dear Judge Leonard:

Sebastian has informed me that his lawyer, Tom Morgan, wants to file a motion to keep out of court the "pretend" lie detector test that was given to Sebastian. I thought lie detector tests were not allowed in any court. I don't understand why he would even have to do this, other than the fact that we know that he and the previous two attorneys Sebastian had, have tried to cover up the police corruption that exists.

This video evidence that we have of this pretend lie detector test Sebastian was given and what was done to him by this (what I'm convinced is an actual psychopath) Texas DPS officer, would actually work in Sebastian's favor because it shows who he truly is. He puts the whole truth out there, and it is very clear that this psychopath officer is not happy or satisfied with not getting out of Sebastian what he wants and needs. He harasses and harasses, until he gets Sebastian to make up stories that he (the psychopath) wants to hear. You can even hear it in his voice how angry he gets when he cannot get what he wants and needs to feed his own selfish, sick ego. Then he gets happy when the made-up stories begin. He even says "Good" and "Tell me more." It's very sickening to watch and listen to. Any normal person who watches this video can clearly see what I am talking about. This is why they want to keep this hidden from jurors.

The psychopath officer even changes the already made up story because even that wasn't good enough for that sick bastard. Sebastian made up a story about one time touching his cousin's shoulder, and the cousin brushed it off. This is the only minor Sebastian had been around. That's why he brought up her name, because of course the psychopath kept pushing and harassing until Sebastian could come up with something that would make him happy. The psychopath loved hearing about Mia. So, he pushed and pushed, accusing Sebastian of having this monster in him that he could not control, and it was just going to make Sebastian continue to do these things to Mia that Sebastian just didn't want to admit to or talk about, and all this other sickening BS that must have been all about himself. I guess he just assumes that everybody is a sick bastard like him. This psychopath finally changes the already made up story to turn it into what he needs it to be. He changes "touching the shoulder" to "touching the breast". Sebastian finally just gives in and goes along with it. He realizes it's what's finally made this sick bastard happy. It's really darn bad and sickening to watch.



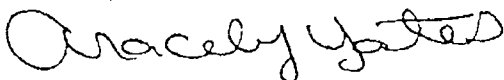
In the end, the psychopath brings in some other idiot to take down the, completely created by the psychopath, story and has Sebastian sign the false and coerced statement. This, completely created by a psychopath, story is on the police report and was used for Sebastian's indictment. Now, it's going to be used to prosecute him, and everybody in this system wants to keep hidden the video evidence (proof) that this story was completely created by a psychopath who works in this system and supported by other, obviously, corrupt individuals who also work in this system.

If this video evidence is not going to be allowed in court, then the false story that the psychopath created needs to be removed from the police report and it should not be used to prosecute Sebastian.

By the way, my niece was never even checked on about this, nor were her parents ever contacted about it. I offered to provide their full contact information, but of course no one is interested in that because, obviously, it does not matter to the anybody who works in this system if this story is true or not. The made-up story is just needed to get a conviction, and that's obviously all that matters to the people who work in this system. True protection of anybody is not a true concern. Creating an illusion of protecting pretend minors who truly don't exist (minors going on to adult sites looking to have sex with adult men for free) is obviously more important.

I will never stop speaking out about what has been done here and all the dishonesty we have dealt with from people working in our system.

Sincerely,

A handwritten signature in cursive script that reads "Aracely Yates". The signature is written in dark ink and is positioned above the printed name.

Aracely Yates

432-528-4164

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

Judge Presiding:	THE HONORABLE RODNEY W. SATTERWHITE
Date sentence suspended:	The 22nd day of March, 2019
Date Judgment signed:	The 22nd day of March, 2019
Defendant's State Id #:	TX17302120
Defendant's Birth date:	8/27/1995

Attorney for State:	LACEY HOLLOMAN
Attorney for Defendant:	ALVARO MARTINEZ
Presiding Juror:	CRYSTALE GALINDO

Offense Convicted:	ONLINE SOLICITATION OF A MINOR UNDER 14
DPS Offense Code:	64080003
Degree Offense:	Felony - 2nd Degree
Penal Code:	§PC 33.021(f)
TRN / TRS:	9255461982/ A001

Date Offense Committed:	The 16th day of February, 2018
Date Trial Began:	The 20th day of March, 2019

Charging Instrument:	Indictment/Information
Plea of Defendant:	Not Guilty
Plea Made Before:	Jury

Verdict of the Jury: Guilty TO THE OFFENSE OF ONLINE SOLICITATION OF A MINOR UNDER 14
Presiding Juror: CRYSTALE GALINDO

Findings on Use of Deadly Weapon: N/A

Punishment Assessed by: The Jury

Punishment: TEN (10) YEARS in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision for a period of FIVE (5) YEARS and a fine in the amount of \$10,000.00.

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

On the 20th day of March, 2019, the above numbered and entitled cause was regularly reached and called for trial when came the State of Texas by her District Attorney and the Defendant in person and by the Defendant's Attorney and both parties announced ready for trial. Thereupon the Defendant in open court pleaded Not Guilty to the charge contained in the indictment or information before the Jury. Having heard the defendant entered a plea of Not Guilty thereto, and after hearing all of the evidence adduced by the State and the Defendant and after hearing the argument of counsel, the Jury was of the opinion and so finds beyond a reasonable doubt that the said defendant is guilty of the offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** as charged in the indictment or information and that the said defendant committed the said offense on the 16th day of February, 2018.

The Jury then heard all of the evidence adduced by the State and the Defendant on the issue of punishment and after considering the said evidence and the argument of counsel, the Jury finds that the punishment of the Defendant should be fixed at TEN (10) YEARS YEARS in the Institutional Division of the Texas Department of Criminal Justice and a fine in the amount of \$10,000.00.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the said Defendant, SEBASTIAN ALEXANDER ZAPATA, is guilty of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** and that the Defendant committed the said offense on the 16th day of February, 2018, and that the punishment of the said Defendant is fixed, as found by the Jury, at confinement in the Institutional Division of the Texas Department of Criminal Justice for **TEN (10) YEARS** and a fine in the amount of **\$10,000.00** and that the State of Texas do have and recover of and from the said Defendant all costs in this proceeding incurred for which let execution issue.

IT IS THE ORDER OF THE COURT that the defendant pay the restitution and/or reparation as stated on the first page of the judgment.

IT IS THE FURTHER ORDER OF THE COURT that the Court affirmatively finds as found by the Jury

WHEREAS the Jury found that the defendant was eligible for community

supervision and recommended that the imposition of sentence be suspended and that the defendant be placed on community supervision.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED in open court on the **22nd day of March, 2019** that the imposition of sentence in this cause be and the same is, hereby, suspended during the good behavior of the defendant and that the defendant be and is, hereby, placed on community supervision for a period of **FIVE (5) YEARS** under the supervision of the Court and the Midland County Community Supervision and Corrections Department subject to the following terms and conditions of community supervision, *viz.*, **during the term of community supervision, the defendant shall:**

1. Obey all rules and regulations of the Midland County Community Supervision and Corrections Department;
2. Commit no offense against the laws of this State or any other State or of the United States;
3. Avoid injurious or vicious behavior including the use of alcohol and illegal drugs; the defendant shall not consume alcoholic beverages of any kind; the illegal use of controlled substances is prohibited;
4. Avoid persons or places of disreputable or harmful character;
5. Report to the Community Supervision Officer in person two times each month at the Office of the Midland County Community Supervision and Corrections Department on the day and at the time specified by the Community Supervision Officer and obey all the rules and regulations of the Community Corrections and Supervision Department;
6. Permit the Community Supervision Officer to visit the defendant in defendant's home and elsewhere;
7. Work faithfully at suitable employment as far as possible;
8. Remain within Midland County, Texas;
9. Support all the defendant's dependents;
10. Report each change of Defendant's address and change of Defendant's employment to the Community Supervision Officer within three work days;
11. Submit to testing for drugs and alcohol as the Community Supervision Officer may direct, and pay for the same;
12. Submit to an evaluation for drugs and alcohol as the Community Supervision

Officer may direct, and pay for the same;

13. Participate in a drug or alcohol rehabilitation program as the Community Supervision Officer may direct according to the schedule directed by the Community Supervision Officer, and pay for the same;
14. Submit to psychological evaluation or examination as the Community Supervision Officer may direct, and pay for the same;
15. Obtain psychological counseling as the Community Supervision Officer may direct according to the schedule directed by the Community Supervision Officer, and pay for the same;
16. Attend and successfully complete the TAIP program as directed by the Community Supervision Officer according to the schedule directed by the Community Supervision Officer, and pay for the same;
17. Attend and successfully complete the Midland CSCD Cognitive Behavioral Treatment Program as directed by the Community Supervision Officer according to the schedule directed by the Community Supervision Officer, and pay for the same.
18. The Defendant shall provide one or more DNA samples to the Community Supervision Officer as directed by the Community Supervision Officer;
19. Serve , FOURTEEN (14) DAYS in the Midland County Jail as a condition of community supervision without credit for pretrial confinement or pre-revocation of community supervision confinement AND without credit for good conduct;
20. Perform a total of 0 of community service for a community service organization or project as designated by the Community Supervision Officer at such times and places as directed by the Community Supervision Officer, but in no event shall the defendant perform less than 10 hours of community service a month until the community service is completed unless otherwise authorized by the Court in writing;
21. Pay the fine assessed, if any;
22. Pay to the Midland County Community Supervision and Corrections Department an administrative fee of \$60.00 each month, (hereinafter referred to as "Supervision Fee") on or before the third Monday of each month beginning on the third Monday of the month following the signing of this order or the defendant's release from confinement and continuing until the community supervision is terminated;
23. Demonstrate to the Court whether the defendant has an educational skill level equal to or greater than the average skill level of students who have completed the sixth

grade in public schools of the State of Texas, and if the defendant has not attained that skill level, the defendant shall attain the said level of educational skill within 24 months of the date of this order at the defendant's own expense;

24. Participate in and complete any classes as directed by the Community Supervision Officer including all classes, assignments, evaluations and testing according to the schedule directed by the Community Supervision Officer;
25. Pay restitution and/or reparation as stated on the first page of the judgment or as previously ordered;
26. Pay all costs of prosecution and court costs and fees authorized by law including costs of court appointed attorney, costs of extradition or arrest, costs of collection and/or processing checks, costs of testing for drugs or alcohol, costs of video recording, costs of a DNA sample, and an assessment for Crime Stoppers and Comprehensive Rehabilitation Fund, as certified by the District Clerk in the bill of costs and/or as stated in the judgment;
27. Perform all field sobriety tests and provide a specimen or specimens of breath or blood for analysis of content of alcohol or drugs upon request by any law enforcement or Community Supervision Officer;

PROBATION TERMS & CONDITIONS

As special terms and conditions of community supervision in addition to the conditions of community supervision heretofore ordered, IT IS THE ORDER OF THE COURT that the defendant shall:

1. Report to the Supervision Officer in person one (1) time each week at the office of the Midland County Community Supervision and Corrections Department on the day and at the time specified by the Supervision Officer, or as directed by the Supervision Officer. This special term of Community Supervision overrides any previously specified condition or term of community supervision to the contrary.
2. Participate in and successfully complete the Midland County Sexual Offender Treatment Program including diagnostic interview and testing, individual counseling, group counseling, family counseling, clinical polygraph examinations as directed by the therapist and all assignments of the said program until discharged from the said program by the program director or his official designee or the Supervision Officer in charge of your case or the Court. Abide by all rules and regulations of the program, and pay all costs of the said program.
3. Attend a Sex Offender Support Group one time a month for a period of twelve (12) months after discharge from the Midland County Sexual Offender Treatment Program.
4. Submit to polygraph examination in order to assist in facilitating sex offender treatment and to determine whether or not the defendant is in compliance with the conditions of community supervision and pay for same.

5. At the request of the Supervision Officer submit a sample of the defendant's blood at the defendant's expense to the Texas Department of Public Safety for the purpose of creating a DNA record of the defendant.
6. Attend project A.D.A.M. as directed by the Supervision Officer and pay for the same.
7. Register or verify registration with your local municipal or county law enforcement authority as a sex offender within seven (7) days of the date of signing of this order as required by the Sex Offender Registration Program; provide the law enforcement authority with such information requested or required; provide verification of his or her compliance to the Supervision Officer; and report all temporary or permanent changes of addresses to the local law enforcement authorities at the time and in the manner required by the Sex Offender Registration Program.
8. Have no contact or visitation with any child 17 years of age or younger outside the scope of your employment unless the Court approves and authorizes the contact or visitation in advance and in writing and then only under such conditions as the Court may impose.
9. Not reside in any household with any child under the age of seventeen unless the Court approves and authorizes the residency in advance and in writing and then only under such conditions as the Court may impose.
10. Not supervise or participate in any program that includes as participants or recipients persons who are 17 years of age or younger and that regularly provides athletic, civic, cultural or religious activities.
11. Not go in, or reside within, a distance of 1000 feet of premises where children commonly gather, including but not limited to, a school, day-care facility, playground, public or private youth center, public swimming pool or video arcade facility except as authorized by the Court in writing. This provision does not prohibit the defendant from attending organized religious worship services or from attending organized religious studies which do not include attendance by persons 17 years of age or younger.
12. Refrain from all contact and communication directly or indirectly, whether in person, by phone, by letter or through a third party, with the victim of your offense and with the family of the said victim unless the Court approves and authorizes the contact in advance and in writing and then only under such conditions as the Court may impose.
13. Maintain and use prescribed medications.
14. Not own, possess, obtain, borrow, view or read pornography or erotica in any form or medium or enter adult book stores, sex shops, topless bars, massage parlors, adult movie theaters and like establishments.
15. Register with the Supervision Officer all computers used, owned, leased, rented or borrowed by the defendant and all computers located or used in the defendant's residence or any vehicle used by the defendant or the defendant's spouse.
16. Not own, possess, obtain, borrow, view or read any electronic video, compact disk, computer generated material or material that is sent or received by electronic mail that is sexually oriented and/or portrays nudity of a child or an adult.
17. Not access, participate in or have any contact with the Internet, World Wide Web, or electronic mail unless such is approved by the Supervision Officer or the Court.
18. Not enter into or maintain any type agreement with any individual or entity for the purpose of obtaining access to the Internet, World Wide Web, or electronic mail unless such is approved by the Supervision Officer or the Court.

19. Permit a Supervision Officer upon request to enter the home of the defendant and any vehicle owned or used by the defendant or the defendant's spouse to determine if same contains any pornography or erotica or any sexually oriented material in any form or medium.

20. Permit a Supervision Officer to inspect the contents of any electronic video, compact disk, photograph, book or magazine located in the home of the defendant or any vehicle owned or used by the defendant or the defendant's spouse to determine if same contains pornography or erotica in any form or nudity of an adult or child or is sexually oriented.

21. Permit a Supervision Officer or his agent upon request to inspect the contents of any computer including all programs, files and electronic mail thereon on all computers used, owned, leased, rented or borrowed by the defendant and all computers located in the defendant's home or any vehicle used by the defendant or the defendant's spouse to determine if same contains pornography, erotica in any form or nudity of an adult or child or sexually oriented materials.

22. Permit a Supervision Officer or his agent upon request to inspect the contents of any computer disk located in the home of the defendant and any vehicle owned or used by the defendant or the defendant's spouse to determine if same contains pornography, erotica in any form or medium, or nudity of an adult or child or sexually oriented materials or communications with children.

23. Permit a Supervision Officer into the defendant's residence and allow a review of his/her computer and any and all computer files contained therein, including all computer disks.

24. Pay all of the reasonable and necessary costs incurred by the victim for psychological counseling for a period of one (1) year made necessary by the offense.

25. Pay the sum of \$5 per month each month during the period of community supervision to the Sexual Assault Program Fund in addition to all fees heretofore assessed.

26. Remain each day within the confines of the Defendant's residence AS DESIGNATED TO the Midland Community Supervision and Corrections Department between the hours of 9:00 P.M. and 6:00 A.M. and not depart therefrom without the permission of the Community Supervision Officer except in a case of fire or medical emergency or to work at the defendant's regular employment AS DESIGNATED TO the Midland County Community Supervision and Corrections Department for the duration of probation beginning on the 22nd day of March, 2019;

27. Wear a GPS electronic monitoring device on his or her person twenty-four hours a day and not remove the same beginning when the defendant is released from the Midland County Detention Center to monitor the defendant's whereabouts. The defendant shall wear the said GPS monitor 12 months unless otherwise directed in writing by the Court or the defendant's community supervision officer.

28. Not remove the GPS electronic monitoring device from his or her person except as authorized by the Court or the Community Supervision Officer, and the defendant shall not tamper with the GPS electronic monitoring device or abscond with the same. The defendant is admonished that damaging or destroying the GPS monitoring device constitutes the offense of criminal mischief and that absconding with the said monitoring device constitutes the offense of theft;

29. Pay the sum of \$11.00 per day to the Midland County Community Supervisions and Corrections Department towards the costs of the use of the GPS electronic monitoring device and monitoring of the defendant;

30. Apply for an original or renewed Texas Driver's License or personal identification certificate not later than 30 days after release from confinement or upon receipt of written notice from the Texas Department of Public Safety (DPS). The Court further orders Defendant to annually renew the license or certificate. The DPS shall place an indication on the Defendant's driver's license or personal identification certificate that the Defendant is subject to the sex offender registration requirements. The Court orders the Clerk of the Court to send a copy of this order to the DPS and to the Defendant. Texas Code of Criminal Procedure article 42.016.

31. Not access any electronic device including but not limited to: computers, phones, gaming devices, tablets, or any other device capable of accessing the internet without the registration and approval by the Supervision Officer or the Court

Submit to psychological evaluation or examination as the Community Supervision Officer may direct, and pay for the same;

IT IS THE ORDER OF THE COURT that all court costs, fines, fees, assessments and restitution are due and owing and shall be paid by the Defendant in full on the day the judgment and/or sentence is entered in writing against the defendant. All courts costs, fines, fees, assessments and restitution shall be paid to the Midland County Community Supervision and Corrections Department, who shall disperse the same according to the directions of the Court.

If the Defendant is unable to pay all court costs, fines, fees, assessments and restitution due and owing at the time the judgment and/or sentence is entered, the defendant shall complete and deliver to the Court designated staff person an application for extension of time to pay, together with a completed financial information questionnaire, and pay all court costs, fines, fees, assessments and restitution in accordance with a payment plan approved by the Court or his designee or, in the absence of an approved payment plan, according to the following schedule:

☐ **EXTENDED PAYMENT PLAN ONE**

- a. One-half (1/2) of the court costs shall be paid on the day the judgment and/or sentence is entered, and the remaining one-half (1/2) of the court costs shall be paid on or before the expiration of 30 days after the day the judgment and/or sentence is entered in writing.
- b. One-third (1/3) of the fees, fines and assessments not included in the costs of court shall be paid on or before the expiration of 60 days after the date the judgment and/or sentence is entered in writing; a like amount shall be paid on or before the expiration of 90 days after the date the judgment and/or sentence is entered in writing; and a like amount shall be paid on or before

the expiration of 120 days after the date the judgment and/or sentence is entered in writing.

- c. Restitution shall be paid in equal monthly installments of not less than \$200.00 per month beginning 150 days after the date the judgment and/or sentence is entered in writing, and a like payment due on the same day of each month thereafter until the restitution ordered is paid in full; however, the balance of the restitution must be paid in full on or before 180 days before the expiration of the period of community supervision.

☐ **EXTENDED PAYMENT PLAN TWO**

- a. One-half (1/2) of the court costs shall be paid on or before the expiration of 30 days after the day the judgment and/or sentence is entered, and the remaining one-half (1/2) of the court costs shall be paid on or before the expiration of 60 days after the day the judgment and/or sentence is entered in writing.
- b. One-third (1/3) of the fees, fines and assessments not included in the costs of court shall be paid on or before the expiration of 90 days after the date the judgment and/or sentence is entered in writing; a like amount shall be paid on or on or before the expiration of 120 days after the date the judgment and/or sentence is entered in writing; and a like amount shall be paid on or before the expiration of 150 days after the date the judgment and/or sentence is entered in writing.
- c. Restitution shall be paid in equal monthly installments of not less than \$200.00 per month beginning 180 days after the date the judgment and/or sentence is entered in writing, and a like payment due on the same day of each month thereafter until the restitution ordered is paid in full; however, the balance of the restitution must be paid in full on or before 180 days before the expiration of the period of community supervision.

IT IS FURTHER ORDERED that the defendant shall pay each month a community supervision administration fee of \$60.00 per month until the supervision of the defendant is terminated. The community supervision administration fee shall be paid to the Midland Community Supervision and Corrections Department on or before the third Monday of each month beginning on the third Monday of the month following the signing of this order or the defendant's release from confinement.

Signed the 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

CERTIFICATE OF FINGERPRINTS

I, the undersigned witness, hereby certify that on this day, I affixed the thumbprints of the defendant as appearing below on the Judgment in cause number CR51328 rendered in the 238th District Court of Midland County, Texas and witnessed the said Defendant affix his or her signature thereto.

SIGNED the 22nd day of March, 2019

SIGNATURE OF WITNESS

OFFICE OF WITNESS

I, the defendant in this cause, hereby certify that the thumbprints appearing below are my thumbprints affixed by me to the Judgment in cause number CR51328 in the 238th District Court of Midland County, Texas on the 22nd day of March, 2019

SEBASTIAN ALEXANDER ZAPATA
CAUSE NUMBER CR51328
STATE ID. NUMBER: TX [REDACTED]
BIRTH DATE: [REDACTED]

DEFENDANT'S LEFT
THUMBPRINT BELOW

DEFENDANT'S RIGHT
THUMBPRINT BELOW

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**ABSTRACT OF DISPOSITION
JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

The defendant in the above entitled and numbered cause was convicted of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** by a Jury and the punishment of the defendant was assessed by a Jury at **TEN (10) YEARS** in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision and a fine in the amount of **\$10,000.00**.

On the 22nd day of March, 2019 the Court suspended imposition of sentence and placed the defendant on community supervision for a period of **FIVE (5) YEARS** and assessed the defendant , **FOURTEEN (14) DAYS** in jail as a condition of community supervision without credit for pretrial confinement and without credit for good conduct.

SIGNED the 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

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SIGNED the 22nd day of March, 2019.

**Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS**

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
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SIGNED the 22nd day of March, 2019.

**Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS**

THE STATE OF TEXAS	NO. CR51328	
	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**ABSTRACT OF DISPOSITION
JUDGMENT OF CONVICTION AND
GRANTING COMMUNITY SUPERVISION**

The defendant in the above entitled and numbered cause was convicted of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** by a Jury and the punishment of the defendant was assessed by a Jury at **TEN (10) YEARS** in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision and a fine in the amount of **\$10,000.00**.

On the 22nd day of March, 2019 the Court suspended imposition of sentence and placed the defendant on community supervision for a period of **FIVE (5) YEARS** and assessed the defendant, **FOURTEEN (14) DAYS** in jail as a condition of community supervision without credit for pretrial confinement and without credit for good conduct.

SIGNED the 22nd day of March, 2019.

Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**COMMITMENT TO MIDLAND COUNTY JAIL
AS A CONDITION OF COMMUNITY SUPERVISION**

WHEREAS on the 22nd day of March, 2019, the Court assessed the punishment of the above named defendant at , **FOURTEEN (14) DAYS** in jail as a condition of community supervision for the offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** charged against the said defendant in this cause, **IT IS THE ORDER** of the Court that the said defendant shall serve the said jail time as follows:

(X) **CONSECUTIVELY** beginning on the date stated above.

If the said defendant shall fail to appear at the Midland County Jail as required, the Sheriff of Midland County shall so certify to the Court which shall order the Clerk of the Court to issue a **CAPIAS FOR THE ARREST** of the said defendant and upon the arrest of the said defendant, the said defendant shall then serve the balance of the jail time assessed against the said defendant **CONSECUTIVELY**.

IT IS THE ORDER of the Court that the said defendant be and is, hereby, committed to the custody to the Sheriff of Midland County, Texas who shall execute the orders of this Court by confining the said defendant in the Midland County Jail for the term above specified **without credit for pretrial or pre-revocation of community supervision confinement AND without credit for good conduct**.

Signed the 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**COMMITMENT TO MIDLAND COUNTY JAIL
AS A CONDITION OF COMMUNITY SUPERVISION**

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IT IS THE ORDER of the Court that the said defendant be and is, hereby, committed to the custody to the Sheriff of Midland County, Texas who shall execute the orders of this Court by confining the said defendant in the Midland County Jail for the term above specified **without credit for pretrial or pre-revocation of community supervision confinement AND without credit for good conduct**.

Signed the 22nd day of March, 2019.

Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

**ABSTRACT OF UNAPPEALED CONVICTION FOR FELONY CRIME
OR FINAL CONVICTION IN AN APPEALED CASE**

**FROM
DISTRICT CLERK
MIDLAND COUNTY, TEXAS**

CERTIFICATE

I, the undersigned Clerk of the Court, having jurisdiction of the trial of felony crimes for MIDLAND COUNTY, TEXAS do hereby certify that the following person was convicted of the felony offense of **ONLINE SOLICITATION OF A MINOR UNDER 14** under the laws of this State in the 238th District Court of Midland County, Texas in cause number CR51328 on the 20th day of March, 2019:

Name of Felon: SEBASTIAN ALEXANDER ZAPATA

Permanent residence address:

3202 BAUMANN AV

MIDLAND, TX

Birthday: [REDACTED]

State Identification number: TX [REDACTED]

PUNISHMENT ASSESSED: TEN (10) YEARS in the Institutional Division of the Texas Department of Criminal Justice suspended on community supervision for a period of FIVE (5) YEARS.

CLERK OF THE 238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

SEAL

BY: _____
DEPUTY

DATE

THE STATE OF TEXAS

V.

SEBASTIAN ALEXANDER ZAPATA

*
*
*
*
*

IN THE DISTRICT COURT

238th JUDICIAL DISTRICT

MIDLAND COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I certify that this criminal case:

- ☐ is not a plea-bargain case, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, and the defendant has NO right of appeal;
- ☐ the defendant has waived the right of appeal.

Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

SEBASTIAN ALEXANDER ZAPATA
Defendant

Mailing address: _____

Telephone number: _____

Email Address (if any): _____

ALVARO MARTINEZ
Defendant's Counsel

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

NO. CR51328

THE STATE OF TEXAS

V.

SEBASTIAN ALEXANDER ZAPATA

*
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*
*

IN THE DISTRICT COURT

238th JUDICIAL DISTRICT

MIDLAND COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

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- ☐ is not a plea-bargain case, and the defendant has the right of appeal;
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- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- ☐ is a plea-bargain case, and the defendant has NO right of appeal;
- ☐ the defendant has waived the right of appeal.

Original Signed
by Presiding Judge
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

SEBASTIAN ALEXANDER ZAPATA
Defendant

Mailing address: _____

Telephone number: _____

Email Address (if any): _____

ALVARO MARTINEZ
Defendant's Counsel

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

NO. CR51328

THE STATE OF TEXAS

*

IN THE DISTRICT COURT

*

V.

*

238th JUDICIAL DISTRICT

*

SEBASTIAN ALEXANDER ZAPATA

*

MIDLAND COUNTY, TEXAS

ORDER APPROVING PAYMENT OF COUNSEL

The Court has determined the defendant in the above entitled and numbered cause to be indigent and without sufficient means to employ an attorney to represent him or her in the above entitled and numbered cause; and the Court appointed the below named attorney or attorneys to represent the said defendant as required by law. **IT IS THE ORDER OF THE COURT** that Midland County pay the said attorney or attorneys and the investigator the amounts stated.

SIGNED THE 22nd day of March, 2019.

JUDGE PRESIDING
238th DISTRICT COURT
MIDLAND COUNTY, TEXAS

AMOUNT OF PAYMENT

AMOUNT OF PAYMENT

ATTORNEY

ATTORNEY/INVESTIGATOR

ADDRESS

ADDRESS

CITY/STATE/ZIP

CITY/STATE/ZIP

INDIGENT DEFENSE EXPENDITURE INFORMATION:

TYPE OF CASE

**NUMBER OF CASES
COVERED BY FEE**

CAUSE NUMBERS

☐ Adult Felony

☐ Adult Misd

☐ Adult Felony Appeal

☐ Adult Misd Appeal

☐ No Charges Filed-Adult

NO. CR51328

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	238th JUDICIAL DISTRICT
	*	
SEBASTIAN ALEXANDER ZAPATA	*	MIDLAND COUNTY, TEXAS

**VERDICT OF THE JURY
TRIAL BY JURY**

On the 20th day of March, 2019, the above numbered and entitled cause was regularly reached and called for trial when came the State of Texas by her District Attorney and the Defendant in person and by the Defendant's Attorney and both parties announced ready for trial. Thereupon the Defendant in open Court pleaded Not Guilty to the charge contained in the indictment or information and a jury was duly selected, impaneled, and sworn, and after having heard the indictment or information read and the Defendant's plea of Not Guilty thereto and having heard the evidence submitted and having been duly charged by the Court, the jury retired in charge of the proper officer to consider their verdict. Thereafter the jury was brought into open Court by the proper officer, the Defendant and the Defendant's counsel being present, and in due form of law returned into open Court the following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit: ONLINE SOLICITATION OF A MINOR UNDER 14

“We, the jury, find beyond a reasonable doubt that the Defendant, SEBASTIAN ALEXANDER ZAPATA, is guilty of the offense of ONLINE SOLICITATION OF A MINOR as charged in the indictment.”

The 20th day of March, 2019
DATE

/s/CRYSTALE GALINDO
PRESIDING JUROR

The Defendant elected to have his or her punishment assessed by the Jury, and the Jury was called back in to the box, and after hearing the evidence on the issue of punishment and after having been duly charged by the Court, the Jury retired in charge of the proper officer to consider their verdict and afterwards were brought into open court by the proper officer, the Defendant and the Defendant's counsel being present, and in due form of law returned in open Court the following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit: TEN (10) YEARS in the Institutional Division of the Texas Department of Criminal Justice and a fine in the amount of \$10,000.00. The jury further considered whether the defendant was eligible for community supervision. After finding that the defendant was eligible for community supervision, the jury recommended that the confinement period be suspended and the

defendant be placed on community supervision.

“We, the jury, having found the Defendant, SEBASTIAN ALEXANDER ZAPATA, guilty of the offense of ONLINE SOLICITATION OF A MINOR as charged in the indictment, assess the Defendant's punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 10 years (not less than 2 years or more than 10 years), and a fine of \$10,000.

We, the jury, further find that the Defendant has never been convicted of a felony offense in this State or in any other State, and we recommend that the court suspend the imposition of the sentence and place the Defendant on community supervision. We further recommend that the fine assessed, if any, be paid.”

The 21st day of March, 2019
DATE

/s/CRYSTALE GALINDO
PRESIDING JUROR

NO. CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

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§

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385TH JUDICIAL DISTRICT

2018 SEP 16 AM 8:02

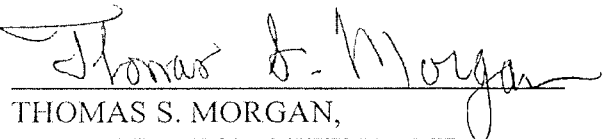
DEFENDANT'S MOTION FOR JURY TO ASSESS PUNISHMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, and requests that the jury, rather than the Court, assess punishment in the event that the Defendant is found guilty of either the offense charged or of any lesser offense.

DATED this the 17 day of September, 2018.


SEBASTIAN ZAPATA
DEFENDANT


THOMAS S. MORGAN,
ATTORNEY FOR DEFENDANT

UH

NO. CR51328

STATE OF TEXAS

§

IN THE DISTRICT COURT

VS.

§

OF

SEBASTIAN ZAPATA

§

MIDLAND COUNTY, TEXAS

2018 SEP 19 PM 3:23

DEFENDANT'S SECOND MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, by and through his attorney of record, Thomas S. Morgan, and files this his Second Motion For Continuance, and as grounds for such Motion would respectfully show this Honorable Court as follows:

I.

As of September 25, 2018 the prosecution will have not given the defense 10 days notice of the extraneous offenses and evidence upon which the prosecution intends to rely on punishment. Notice was not given to defense counsel until September 18, 2018

II.

Defense counsel is not ready for trial, and the defense investigation is not finished.

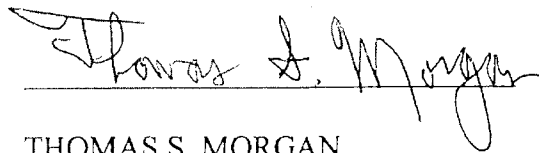
III

The Defense requests a continuance for six weeks to properly investigate these extraneous offenses and to possibly change trial strategy.

IV

This motion is not made for delay only, but solely that justice may be done.

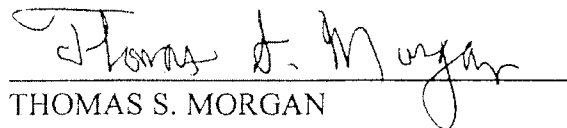
WHEREFORE, the Defendant, SEBASTIAN ZAPATA prays that the pre trial be postponed until a later date. The Defendant further prays for any and all other relief to which he may be justly entitled.



THOMAS S. MORGAN
ATTORNEY AT LAW
1902 W. ILLINOIS
MIDLAND, TEXAS 79701
(432) 683-2703
(432) 684-7314 FAX NUMBER
STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

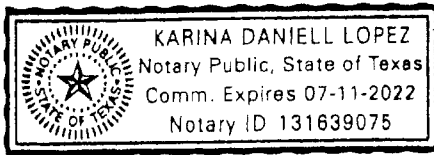
STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

I, Thomas S. Morgan, hereby certify that the facts and allegations contained in this Motion For Continuance are, to the best of my information and belief, true and correct.


THOMAS S. MORGAN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned Notary Public, on this the 9 day of September, 2018.

Karina Daniell Lopez
NOTARY PUBLIC, STATE OF TEXAS



CERTIFICATE OF SERVICE

I, Thomas S. Morgan, do hereby certify that on the 19 day of September, 2018, a true and correct copy of the foregoing Defendant's Second Motion For Continuance was hand delivered to the Midland County District Attorney, Midland County Courthouse.

Thomas S. Morgan
THOMAS S. MORGAN

NO. CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

§
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§
§

IN THE DISTRICT COURT

OF

MIDLAND COUNTY, TEXAS

ORDER GRANTING DEFENDANT'S FIRST MOTION FOR CONTINUANCE

On this the _____ day of _____, 2018, the Court
having duly considered the foregoing Motion, finds that such Motion should in all things be
granted.

IT IS THEREFORE ORDERED that the Motion to be Discharged Early from
Community Supervision be and is hereby continued.

IT IS FURTHER ORDERED that the Motion to be Discharged Early from Community
Supervision hearing be rescheduled for the _____ day of _____, 2018, at ____
__ o'clock ____ .m.

SIGNED on this the _____ day of _____, 2018.

JUDGE PRESIDING

September 27, 2018

Lacey Holloman,
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200

Here is support for the real truth that is not allowed to be told in court. This is the real truth that many people find hard to believe. Sebastian was made fun of by his last two court appointed attorneys for speaking about this. I'm sure the police made fun of him for it too.

This was the main influence for why Sebastian fell for the trap set up by police pretending to be a 14-year-old girl looking to hook up with grown men on Craigslist. Many people don't understand this and dismiss it as some kind of lame made up excuse. It's very real, and it doesn't matter who believes it or not. In the end, it is the real truth that matters, and it will never stop being what it is. I will always continue to put the real truth out there. The fact that some people (those in the justice system) don't like hearing it is just too bad.

Maybe you can at least begin to understand why people like us think that people that do the things you guys do to others make you evil people. I'm sorry, but that is what we really think. What else are we supposed to think? This has changed our lives forever. I will never stop standing up against this evil that people in this justice system do to take advantage of others for the sole purpose of feeding their own egos. It's wrong, and it needs to stop. You people are not interested in doing the right thing for the right reasons. It's all about playing your dumb games at the cost of other people's lives. You have protected absolutely nobody in all this. All you have done is hurt people for the purpose of feeding your own egos. You are the evil predators that others need to be protected from.

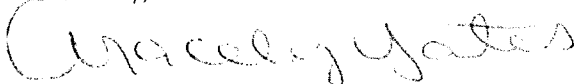
My niece Mia was never even checked on. No one was ever really worried about her at all. I'm sorry, but it really is a very shameless move to want to use that forced made up story to get out of this what you want for your own selfish purpose. Go ahead and use it. In the end, you're only hurting yourself more. The truth always wins.

I'm sorry for being harsh. This whole thing is just so ridiculous and unbelievable. I have been communicating with many people, including people in other states who are going through the same thing. It's just so extremely unbelievable to see how incredibly screwed up our system here is.

Like I've said, we have nothing to hide. In fact, you are the ones that have a lot to hide and to be ashamed of. Truth never changes or goes away. You can deny it or try to cover it up all you want. It all eventually comes out anyway.

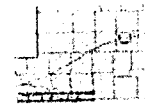
I'm including more information from Sebastian's assessment, since we're not allowed to bring it up at trial. I'm giving you everything. We're not hiding anything. I'm not even telling the lawyer that I am doing this because apparently it ruins the game and hurts people's egos. I'm not interested in feeding anyone's ego or worried about hurting anyone's ego.

Sincerely,

A handwritten signature in cursive script that reads "Aracely Yates". The signature is written in dark ink and is positioned above the printed name and email address.

Aracely Yates
aracely103@gmail.com

CW-West Texas | Telemundo 20



67°

Clear
Marfa

FULL FORECAST

Search

Two Men Sentenced in Connection With the Death of Haley Kemp

Published: Thursday, February 26th 2015, 4:06 pm CDT
Updated: Thursday, February 26th 2015, 4:06 pm CDT

Staff Report
NewsWest 9

MIDLAND – Two men have been sentenced to federal prison in connection with the death of 19-year-old Haley Kemp.

According to a press release sent to NewsWest 9, 53-year-old Robert Aiken was sentenced to 20 years behind bars and 28-year-old Christopher Snyder was sentenced to 12 years behind bars for their roles in Kemp's death.

As you may recall, back in November, Aiken pleaded guilty to one count of distribution of methamphetamine and heroin. Snyder pleaded guilty to the same charge on December 11, 2014. By pleading guilty, the defendants admitted that while at Aiken's residence on May 30, 2014, Aiken provided methamphetamine to both Kemp and Snyder and heroin to Snyder. According to court records, Haley Kemp died in the residence during the early morning hours of May 31, 2014, as a result of a heroin overdose. Both admitted to unsuccessfully attempting to revive

Kemp before dumping her body in a remote part of Midland County.

Following their release, they will be placed on supervised release for three years.

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major Americans who are in
a state of mind

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Haley was sexually abused by
her father. Sebastian sees
her death as a cause of
getting involved with the wrong
kind of people (older men) who
got her into drugs, which led
to her death.

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KWES FCC Public File
KWAB FCC Public File
publicfile@kwes.com

EEO Report
Closed Captioning

**Sebastian Zapata**

October 8, 2012 · 2:28

Haley Kemp

Hey, It's quite shocking to hear that you got in an wreck, but i'm even more shocked that you managed to live. I'm glad though that you did. I really hope you recover fast from your injuries and I'm wishing the best of luck for you. I love you Haley.

No likes yet

**Haley Kemp**

Thank you Zeb i am very amazed i survived too no one at the hospital expected me to be alive so I am very very lucky

5y

**Sebastian Zapata**

Wow, talk about a miracle.

5y





PSYCHOLOGY SUMMARY

NAME: SEBASTIAN ZAPATA

TEST ADMINISTERED:

Individual Interview
Enneagram Brief Form
PsychEval Personality Questionnaire (PEPQ)
Beck Depression Inventory-II (BDI-II)
Beck Anxiety Inventory (BAI)
Childhood Autism Rating Scale (CARS)
Parent Interview

Positive strengths and qualities Sebastian sees in himself include he is tolerant, understanding, care free, disciplined, good sense of humor, good appetite, mature, adaptable, calm, and heterosexual.

INDIVIDUAL INTERVIEW

Sebastian Zapata is a kind-hearted 22 year male whom presented to the PNP Center to work on his focus and handling stress. Sebastian is an introvert that reports a love for video games and a disdain for partying and drugs, of which he reports never trying. He is academically capable, although his mother chose to have him repeat Kindergarten, primarily to help him catch up socially.

Sebastian is inverted and very concrete, but he has a strong desire to connect with people. He engaged well with staff members at PNP. He reported never participating in partying and never drinking alcohol or doing drugs. Sebastian presented himself as very competitive, not just in his favorite video games like Overwatch, but he really pushes himself and works hard if he is interested. Sebastian's determine presented during his PPA assessment at PNP when he was using the emWave2 HRV tool, as he persisted until he was able to level up.

During high school, by his senior year, he had become disinterested and he often stayed at home and did not attend classes. Ultimately, Sebastian was able to graduate, but only after taking a summer computer course to complete his studies. He expresses interest in college, but he has not figured out a specific college major or school that he would like attend.

In 2001, when Sebastian was five years old, his parents divorced. Sebastian describes a decent, but distant relationship with his biological father, Edgar. They have inconsistent contact to this day, but they do stay in touch. At the beginning of

2015, Sebastian moved to Austin, Texas, to live with his older brother, Kristian, where they shared an apartment. Sebastian reported some mutual respect between his brother and him, but he stated that currently they only connect with each other approximately once a week. Sebastian reported that he played a lot of video games at this time, and he had some good online friends. At the end of 2016, at 21 years old, Sebastian moved back home to Midland, Texas.

Sebastian has a close relationship with his mother, Aracely. Sebastian's mother remarried in 2013; she married Malcom Yates, a 35 year old petroleum engineer. Shortly after their marriage, due to work, they moved to Pittsburgh, PA then Denver, CO and now they are back in Midland, TX, near Sebastian. Sebastian lives with his mother approximately half of the time, and he lives with his friends, Isaac and Tom, the other portion of time.

He joined the Navy in 2017, and he went to Navy boot camp, but while there he contracted an acute respiratory infection, which also affected his sleep and energy level. He was unsuccessful and he returned home after one month. While back at home, Sebastian took a couple of weeks to continuing healing from his respiratory infection, then he started part-time work as a server at a local restaurant.

Sebastian was arrested on February 23, 2018, for soliciting a minor online. Sebastian reported that he did not have many friends, and the friends he did have were mostly online video games. Several of his online video game friends live near Seattle, Washington. Sebastian said he was particularly interested in getting a girlfriend. He reports only having one past girlfriend, which he met online when he was a teenager. Sebastian tried to connect with females via Craigslist, and he stated that he misunderstood the situation that occurred at the end of February. Ultimately, he provided false information after he was coerced by law enforcement to admit to a series of similar behaviors. Sebastian had a public defender who did not seem interested in representing him, so Sebastian and his family hired an attorney, Thomas S. Morgan. Current legal proceedings are pending.

ENNEAGRAM BRIEF FORM

Sebastian identified the personality types of the Devil's Advocate, the Romantic, and the Mediator, as being the best fits for him.

The Devil's Advocate personality type is characterized by procrastinating, avoiding action, having high goals, experiencing anxiety peaks with success, and authority problems. This individual tends to be a skeptic, expressing doubt about everything. In addition, there is a tendency to scanning the world for clues to inner fear, looking for the worst outcome.

The Romantic personality type is characterized by being attracted to moods, disdaining ordinary life for the different, high fantasy life, dramatic, feelings of abandonment and loss, emotional sensitivity prone to depression and drama.

The Mediator personality type is characterized by comforting self with small pleasures, ambivalence about personal decisions in seeking what would be

considered by the group. Postponing change with repeating solutions. Can't say "no", control by being stubborn, sees all sides to problems, passive aggressive.

PEPQ RESULTS

At the present time, Mr. Zapata presents himself as more anxious than most people. This could either reflect a normal reaction to current circumstances or a characteristic style of being worried, reactive, or uneasy.

Mr. Zapata may not feel comfortable about his ability to meet challenges. Frustrations and problems may lead to discouragement and some emotional upset. He may find it difficult to trust other people until he knows them well. He tends to be alert for ulterior motives. This individual tends to worry and to doubt himself. He may be sensitive to criticism or take things personally.

Mr. Zapata's personality orientation is introverted. He may be more oriented toward the inner world of thought and ideas. Moreover, he may avoid activities involving extensive interaction with others. This individual is often reserved and may not show personal affection easily. He may consider the costs of extending himself for other people. His social interactions are likely to be serious or staid. He tends toward shyness and at times may be hesitant to express his views. Mr. Zapata tends to keep personal matters to himself. It may take others a while to get to know him well. Mr. Zapata tends to prefer meeting responsibilities or tackling problems on his own.

Mr. Zapata tends to be expedient and unrestrained. While he may be perceived as flexible, he may indulge in his own wishes and urges to the point that consideration for practicalities, for other people's needs, or for his own responsibilities is neglected. His social demeanor tends to be one of caution and restraint. This person tends to be expedient or have nonconventional values. His concern for established rules may be low. This individual tends to be preoccupied with ideas and abstracted thoughts. He may not give attention to practical considerations or to the pragmatic aspects of a situation. This individual seems to balance casualness and a tolerance for disorder with the need for organization and structure. He may function best in an unexacting, flexible setting rather than in a rigid system.

Mr. Zapata tends to balance toughness with sympathy, resoluteness with receptivity. He may at times adhere to his current way of thinking, while at other times he may be open to new approaches and experiences. This individual may maintain some distance in his relationships, or may give greater attention to aspects other than people and their feelings. He often gets absorbed in ideas and thought; pragmatic issues may be overlooked. He often sticks to traditional ideas and methods; however, he tries to remain open to some ideas of change.

Independence is average. Mr. Zapata's lifestyle is balanced between the need to exert his will and control his environment versus a willingness to accommodate others' wishes and adapt to his environment. This person is sometimes modest or hesitant in social arenas. This is a skeptical individual who is alert to other people's intentions and actions. This person shows some tendency to prefer traditional methods and viewpoints.

He reports a number of nonspecific somatic complaints. This may reflect a preoccupation with bodily dysfunctions, or the presence of some health issues. Mr. Zapata reports strong feelings that his life is empty and meaningless. He is not very energetic and is rarely likely to wake up full of energy. Mr. Zapata's experience often involves feelings of weariness, exhaustion, or emptiness.

Mr. Zapata is very self-critical. He tends to blame himself for everything that goes wrong. He experiences guilt feelings; this guilt may well be coupled with feelings of resentment and hostility. Mr. Zapata reports feeling alienated and withdrawn from others and may be avoiding interpersonal contact currently. His tendency to withdraw may be accompanied by a general feeling that relationships are too pointless to care about at all.

Mr. Zapata reports feelings of persecution and personal danger. He is likely to believe that others are mistreating him and/or trying to control him. Mr. Zapata reports experiencing obsessional thinking patterns. He may tend to ruminate about trivial things; recurring thoughts may run through his mind. It may be important to evaluate whether the obsessional thinking is also accompanied by repetitive habits.

Occupational Interests associated with Sebastian's personality include: Investigative, Artistic, and Realistic. See PEPQ print out for full details.

BDI-II RESULTS

Sebastian completed a Beck Depression Inventory-II. The BDI-II is a screening device for depression. His responses indicate that he is currently experiencing "Mild" depression.

BAI RESULTS

Sebastian completed a Beck Anxiety Inventory. The BAI is a screening device for anxiety. His responses indicate that he is currently experiencing "Mild" anxiety.

RECOMMENDATIONS

- To address QEEG findings of Multifocal Epileptiform Activity through Brain Health:
 - Work with a neurologist specializing in pre-seizure and epileptiform activity to address the significant QEEG challenge pattern of multifocal epileptiform activity.
 - Participate in neurofeedback training to reregulate epileptiform activity and the other dysregulated brain patterns. Visit www.bcia.com for a provider with BCN designation.
 - Follow a Ketogenic or Modified Ketogenic. This diet is a special high in healthy fats, low-carbohydrate diet that helps to control seizures in some people with epilepsy.
 - Keto meal plan example: <https://bit.ly/2iqxfez>
 - Establish a regular abdominal breath pattern of 6-10 BPM to help calm neuro-irritability.

- Supplement with Omega 3 fatty acids of 2.1-4.0 gr/day. Pharmacy grade omega 3 including: Metagenics, Nordic Naturals, and Cooper Complete.
 - Advise physicians to not prescribe you medications which may lower seizure threshold.
 - Avoid foods & drinks containing aspartame and monosodium glutamate.
 - Drink plenty of water each day. Rule of thumb is water intake equaling half one's weight in ounces,
 - Sufficient sleep each night with a minimum of 7.5 hours.
- Your depression has a genetic basis as a predominant factor. The results of your MTHFR (see Medical section) indicate need to supplementation of methylated folic acid to improve production of neurotransmitters related to mood management; those of serotonin, norepinephrine, and dopamine. A nutritional supplement meeting the basic criteria is Xymogen's Methyl Protect.
- Complete the protocols given in the Medical Section of the Final Report to address gastrointestinal imbalances and Omega 3 insufficiencies. Successful completion of such a program will likely have a beneficial impact upon your overall physiological, cognitive, and psychological functioning.
- Participate in social skills training.
- Work on your Social skills:
 - Practice abdominal breathing *while* listening.
 - If you feel stuck in a conversation, say "tell me more about that."
 - Read *What Do You Say After You Say Hello?* By Eric Berne, MD.
 - Work with a Life Coach to provide guidance and direction.
 - Pursue purpose daily:
 - Listen to music every day.
 - Spend time socializing with friends in person.
 - Connect with a social group that expands your horizons or shares a hobby you enjoy.
- Work on Independent Living Skills:
 - Do laundry every week.
 - Get groceries.
 - Participate in healthy meal preparation.
 - The 7 Habits of Highly Effective Teens, although in your early twenties this book contains excellent strategies to build off
- Establish and maintain a daily routine:
 - Waking:
 - Obtain adequate sleep each night of 7.5-9.0 hours
 - Upbeat or up-tempo music such as CD-II Unity and Joy
 - Practice daily with your BAUD
 - Routine daily hygiene: shower, brush teeth, comb hair, deodorant
 - Routine cleanliness of your house: wash dishes daily, take out trash at least 3 times per week, be sure to wipe counters daily with sanitizing wipes, sweep floors and vacuum once per week or as need, dust surfaces to reduce allergens.

- 3 healthy meals daily with 2 healthy snacks:
 - Increase healthy fats such as avocados, walnuts, salmon
 - Increase foods containing omega 3 fatty acids
 - Drink sufficient water daily. Rule of thumb is half one's weight in ounces
- Daily Exercise in the morning to help stimulate your brain:
 - Decrease time online and participate in activities that engage your senses, like going for a walk or riding a bike.
 - Light physical activity such as yoga, or tai chi for 20-60 minutes
 - Be barefoot outside in the grass, sand, dirt, or mud daily to help yourself be grounded
- Sleep:
 - Dim lights and turn off phone and computer at least 2 hours before bedtime, preferable bedtime would be 10PM
 - Practice with the BAUD on the "C" setting for calm before bed
 - Listen to Breathing Meditation CD once a day to help with relaxation for at least 40 days
 - Listen to CD-I Heart Rhythm

CARS RESULTS

Results indicate that Sebastian is in the *Mildly-Autistic* range based on the rating scale. He scored high (3 out of 4) on two scales: "Moderately Abnormal" use of, and response to, taste, smell, and touch and "Moderately Abnormal" listening response. Sebastian has a sensitivity to anything with a dairy texture, such as milk and cheese, and his response to sounds varied, occasionally he was slow to respond to questions or instructions.

PARENT INTERVIEW

Sebastian's mother, Aracely, presented to the PNP Center with her youngest son, Sebastian, to assist with collecting developmental history and to assist in treatment planning. Aracely Yates is a personable woman with a Master's degree and works as a linguist contract worker. She and Sebastian's father, Edgar Zapata, married young, and they divorced when Sebastian was five years old. They also had one older son together, Kristian, who is twenty-four years old.

Aracely reported that she has wondered since Sebastian was young if he was on the Autism Spectrum from what she has read. However, he has always performed well academically and his teachers never suggested she take Sebastian for formal assessment. Aracely has a close friend who worked in special education perform an unofficial assessment of Sebastian, and she was convinced that he was not on the Autism Spectrum, specifically because he performed so well academically.

Ms. Yates stated that she had wanted to have Sebastian come to the PNP Center approximately three years ago, and initially Sebastian had agreed, but she believes he was persuaded by other family members not to go at that time because they deemed it was too expensive. Ms. Yates stated that Sebastian has always struggled

with disorganization and sustained focus, and these struggles are a major reason she had wanted him to come to PNP.

Aracely became emotional at several times during the interview. She relayed that Sebastian was already scheduled for his PNP appointment, and in the time leading up to his appointment, Sebastian encountered legal trouble. Aracely explained that there were ongoing legal proceedings taking place, Sebastian had naively acted and the family was in the process of getting him a good attorney. His pending legal charges from the end of February stemmed from soliciting a minor online.

RECOMMENDATIONS

- Continue to provide the love and support you have been providing throughout Sebastian's life.
- Stay focused on Sebastian's strengths and appreciate the things he does well.
- Be available to discuss Sebastian's goals for the future with him and provide a sounding board if he wishes to discuss and evaluate options.
- Make a special effort to respect Sebastian's stated wishes in terms of his boundaries. Do not to automatically do things for him that he is capable of doing himself.
- Practice good mental habits
 - Avoid guilt – notice your feelings without judgement
 - Notice the positive moments in each day
 - Gather strength from others through support groups and friends
 - Focus on spending time with other family members and doing things you enjoy
 - Practice relaxation exercises and slow abdominal breathing



Cognitive Testing

Identifying Information

EXAMINEE:	Sebastian Zapata	EXAMINER:	Benjamin Sperling, MS, LPC-S
EXAMINEE ID:	SZ0827		Andrew Bindewald, MA, LPC
EDUCATION:	HS Graduate	ETHNICITY:	Hispanic
DATE OF BIRTH:	██████████	TESTING DATE:	5/16-5/17/2018
AGE:	22 years old	GENDER:	Male

Tests Administered

Bender Visual-Motor Gestalt Test, 2nd Edition (BVMGT-2nd Edition)
Wechsler Adult Intelligence Scale, 4th Edition (WAIS-IV)
Woodcock-Johnson Tests of Achievement, 3rd Edition (WJ-III)
Test of Variables of Attention (TOVA)

Reason for Referral

Sebastian reports a history of ADD, inattention, challenges with organization, social awkwardness, challenges with maintaining employment, legal troubles, depression, and communication issues. Sebastian's goal following this evaluation is to determine correct diagnosis, maintain employment, have a career goal, improve communication and social skills.

In reviewing the previous records provided, it appears that Sebastian has not participated in a comprehensive examination. Thus, he was referred for a psychophysiological, cognitive, and psychological evaluation for the purpose of assessing his level of intellectual, sensory-motor, physiological, neuropsychological, and emotional functioning in order to obtain data for assistance in diagnosis as well as to determine if there were any factors that might significantly impact his cognitive, behavioral, and emotional functioning.

Behavioral Observations

Sebastian is a 22-year-old male. He arrived on time for testing at the PNP Center in Lewisville, Texas. He was casually dressed and well kempt. He appeared to be average in height and at his appropriate weight. Although not formally assessed, his posture and gait appeared normal. English is his dominant language. His speech was normal with regard to rate, volume, tone, articulation, progression and content and his level of conversational proficiency appeared normal. During testing, Sebastian interacted with the examiner with positive regard. There was no obvious evidence of any hearing or vision problems. Throughout the assessment process, Sebastian maintained appropriate affect and mood with little variation. He was cooperative in attempting all tasks with commendable effort and responded promptly to questions he knew.

Overall, Sebastian appeared to put forth adequate effort throughout this testing process and, as such, results are thought to be an accurate reflection of his level of cognitive functioning on the day of testing. However, it is important to note that current results from his medical testing indicated that Sebastian has gastrointestinal

imbalances, MTHFR genetic mutation, and omega 3 insufficiencies. Furthermore, QEEG assessment indicated some dysfunctional brainwave activity patterns that also could have underestimated the following results. QEEG findings showed *sharp and slow paroxysmal activity*. This activity was evaluated by a neurologist and deemed to be epileptiform in nature (see additional report). This activity is likely causing moments during which no information is perceived or processed with associated difficulties of verbal expression, emotional expression, judgment, working memory, coordination in the legs, cognitive processing, and vision. As well, *vertex activity* which is related to "brain-looping" or getting stuck on a thought or behavior; a *prominent mu rhythm of alpha* which has been associated with learning problems; *alpha intrusion in the temporal lobes* which may be associated with difficulties in auditory processing and memory; *posterior slowing* which may be related to learning disabilities or difficulty with integration of other information; and *diffuse slowing* which can be related to cognitive slowing or "brain fog" were found on his QEEG; see *QEEG report for further details*. These factors or conditions may have negatively affected his results. Thus, current assessment findings may underestimate Sebastian's actual intellectual and cognitive capabilities.

Table Summaries of Test Findings

Wechsler Adult Intelligence Scale, 4th Edition (WAIS-IV)

WAIS-IV Index Scores Summary

Scale	Composite Standard Score	Percentile Rank	95% Conf. Interval	Qualitative Description
Verbal Comprehension (VCI)	102	55	96-108	Average
Perceptual Reasoning (PRI)	115	84	108-120	High Average
Working Memory (WMI)	86	18	80-94	Low Average
Processing Speed (PSI)	114	82	104-121	High Average
Full Scale (FSIQ)	106	66	102-110	Average

WAIS-IV Subtest Scaled Scores

Verbal Comprehension Subtests		Perceptual Reasoning Subtests	
Similarities	9	Block Design	14
Vocabulary	13	Matrix Reasoning	12
Information	9	Visual Puzzles	12
Working Memory Subtests		Processing Speed Subtests	
Digit Span	7	Symbol Search	13
Arithmetic	8	Coding	12

Woodcock Johnson-III Tests of Achievement

Individual Subtest	Age Equivalency	Percentile Ranking	Standard Score	Grade Equivalency
Letter-Word Identification	17-5	31	92	12.7
Reading Fluency	22	50	100	14.1
Story Recall	>21	51	100	12.9
Understanding Directions	14-8	32	93	10.4
Calculation	13-7	16	85	8.0
Math Fluency	18-6	41	97	12.9
Spelling	19	36	95	13.0
Writing Fluency	8-8	3	72	3.3
Passage Comprehension	15-3	33	94	10.1
Applied Problems	15-6	31	93	11.4
Writing Samples	20	48	99	13.0
Story Recall-Delayed	>21	52	101	13.0
Cluster/Test	Age Equivalency	Percentile Ranking	Standard Score	Grade Equivalency
Oral Language	15-3	34	94	11.0
Pre-Academic	17-5	29	92	12.9
Total Achievement	16-2	29	92	10.9
Broad Reading	19	42	97	13.1
Broad Math	15-3	25	90	10.2
Broad Written Language	12-8	10	81	7.0
Math Calculation skills	15-1	23	89	9.6
Written Expression	10-0	6	76	4.5
Academic Skills	16-8	27	91	11.6
Academic Fluency	15-11	25	90	10.5
Academic Application	16-0	32	93	11.2
Norms based on age 22.				

BVMGT-2nd Edition Results

The **BVMGT-2nd Edition** was administered to Sebastian as a part of his Behavioral Vision screening. The BVMGT-2nd Edition is a series of figures, which are presented to the client one at a time; the client is asked to copy the designs on a blank sheet of paper. The perception and reproduction of the Gestalt figures are determined by biological principles of sensory motor action. The competence of the copy varies depending on: (a) the growth pattern and maturation level of an individual and; (b) the individual's psychological state (either functionally or organically induced). Overall, results from Sebastian's BVMGT-2nd Edition performance were indicative of visual-perceptive difficulties, and a Behavioral Vision challenge is suspected. Further investigation by a qualified optometrist is warranted.

Cognitive Functioning: WAIS-IV Results

General Intellectual Ability

Sebastian was administered 10 subtests of the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV). His composite scores are derived from these

subtest scores. The Full-Scale IQ (FSIQ) composite score is derived from 10 subtest scores and is considered the most representative estimate of global intellectual functioning. Sebastian's general cognitive ability is within the "Average" range of intellectual functioning, as measured by the FSIQ. His overall thinking and reasoning abilities exceed those of approximately 66% of individuals his age (FSIQ = 106; 95% confidence interval = 102-110). He performed much better on nonverbal than on verbal reasoning tasks. Such differences in performance, however, are not especially unusual among his peers in general.

Verbal Comprehension Abilities

Sebastian's verbal reasoning abilities as measured by the Verbal Comprehension Index (VCI) are in the "Average" range and above those of approximately 55% of his peers (VCI = 102; 95% confidence interval = 96-108). The VCI is designed to measure verbal reasoning and concept formation. Sebastian's performance on the verbal subtests contributing to the VCI presents a diverse set of verbal abilities, as he performed much better on some verbal tasks than others. The degree of variability is unusual and may be noticeable to those who know him well. Examination of Sebastian's performance on individual subtests provides additional information regarding his specific verbal abilities.

Sebastian achieved his best performance among the verbal reasoning tasks on the Vocabulary subtest. His strong performance on the Vocabulary subtest was better than that of most of his peers.

The Vocabulary subtest required Sebastian to explain the meaning of words presented in isolation. As a direct assessment of word knowledge, the subtest is one indication of his overall verbal comprehension. Performance on this subtest also requires abilities to verbalize meaningful concepts as well as to retrieve information from long-term memory (Vocabulary scaled score = 13).

Perceptual Reasoning Abilities

Sebastian's nonverbal reasoning abilities as measured by the Perceptual Reasoning Index (PRI) are in the "High Average" range and above those of approximately 84% of his peers (PRI = 115; 95% confidence interval = 108-120). The PRI is designed to measure fluid reasoning in the perceptual domain with tasks that assess nonverbal concept formation, visual perception and organization, visual-motor coordination, learning, and the ability to separate figure and ground in visual stimuli. Sebastian presents a diverse set of nonverbal abilities, performing much better on some nonverbal tasks than others. The degree of variability is unusual for individuals his age and may be noticeable to those who know him well.

Sebastian's performance was significantly better on the Block Design subtest than his own mean score. Furthermore, he performed better than most of his peers, thus demonstrating strong abilities on the Block Design subtest.

The Block Design subtest required Sebastian to use two-color cubes to construct replicas of two-dimensional, geometric patterns. This subtest assesses nonverbal fluid reasoning and the ability to mentally organize visual information. More specifically, this subtest assesses his ability to analyze part-whole relationships when information is presented spatially. Performance on this task also may be influenced by visual-spatial perception and visual perception-fine motor coordination, as well as planning ability (Block Design scaled score = 14).

Working Memory Abilities

Sebastian's ability to sustain attention, concentrate, and exert mental control is in the "Low Average" range. He performed better than approximately 18% of his peers in this area (Working Memory Index (WMI) = 86; 95% confidence interval 80-94).

Sebastian's abilities to sustain attention, concentrate, and exert mental control are a weakness relative to his nonverbal and verbal reasoning abilities. A weakness in mental control may make the processing of complex information more time-consuming for Sebastian, draining his mental energies more quickly as compared to others at his level of ability, and perhaps result in more frequent errors on a variety of learning or complex work tasks.

Processing Speed Abilities

Sebastian's ability in processing simple or routine visual material without making errors is in the "High Average" range when compared to his peers. He performed better than approximately 82% of his peers on the processing speed tasks (Processing Speed Index [PSI] = 114; 95% confidence interval 104-121).

WAIS-IV Summary

Sebastian is a 22-year-old male who completed the WAIS-IV. His general cognitive ability, as estimated by the WAIS-IV, is in the "Average" range (FSIQ = 106). Sebastian's general verbal comprehension abilities were in the "Average" range (VCI = 102), and his general perceptual reasoning abilities were in the "High Average" range (PRI = 115). Sebastian's ability to sustain attention, concentrate, and exert mental control is in the "Low Average" range (WMI = 86). Sebastian's ability in processing simple or routine visual material without making errors is in the "High Average" range when compared to his peers (PSI = 114).

Academic Functioning: WJ-III Results

Sebastian was administered twelve subtests of the WJ-III Tests of Achievement to assess his academic strengths and/or challenges. Sebastian obtained his best performance on the Story Recall-Delayed subtest which was within the "Average" range and commensurate to that anticipated from his current estimate of intellectual abilities (e.g., FSIQ on WAIS-IV = 106; "Average"). His achievement level on the Letter-Word Identification, Reading Fluency, Story Recall, Understanding Directions, Math Fluency, Spelling, Passage Comprehension, Applied Problems, and Writing Samples subtests were slightly lower than expected given his intellectual abilities. Sebastian's achievement level on the Calculation and Writing Fluency subtests were significantly lower than expected given his FSIQ on the WAIS-IV.

WJ-III Summary

Sebastian's English Oral Language Skills were "Average" when compared to others at his age level. His Academic Skills were "Average." His overall Level of Achievement was "Average." Sebastian's fluency with Academic Tasks and his ability to apply Academic Skills were both within the "Average" range.

When compared to others at his age level, Sebastian's Performance was "Average" in Broad Reading and Mathematics; "Low Average" in Math Calculation Skills and Written Language; and "Low" in Written Expression. No discrepancies were found among Sebastian's achievement areas.

In reviewing Sebastian's overall WJ-III individual subtest profile, he achieved below expectations given his estimate of intellectual abilities (i.e., FSIQ). More specifically, he achieved under his cognitive capacities on eleven of the twelve individual subtests administered. Results of Sebastian's academic and intellectual performance have determined that he currently meets the criteria for several Learning Disorders. Sebastian falls under **Diagnostic and Statistical Manual of Mental Disorders - Fifth Edition (DSM-5: F81.81) Specific Learning Disability with Impairment in Written Expression**. Sebastian is therefore entitled to appropriate academic support services under federal law to allow for more time when completing assignments and tests.

Test of Variables of Attention – Visual and Auditory (TOVA)

The TOVA is a computerized continuous performance test for attentional abilities related to both Visual and Auditory stimuli. Summary of the TOVA results indicate both Visual and Auditory portions were "within normal limits". (See separate TOVA report following this document.)

COGNITIVE SUMMARY

Sebastian is an intelligent and positive individual. He presented strengths throughout his cognitive assessment, particularly with Perceptual Reasoning (PRI=115) and Processing Speed (PSI=114) both of which were in the "High Average" range. Additionally, Sebastian performed in the "Average" range on Verbal Comprehension (VCI=102), a measure of his crystalized knowledge. Additional strengths were noted from Sebastian's TOVA test of visual and auditory attention both being "within normal limits". To this end, Sebastian has the capability to maintain sustained attention to both Visual and Auditory stimuli. Also, on his WJ-III measures for academic achievement he scored in the "Average" range on Broad Reading, Broad Math, and Broad Written Language indicating that Sebastian is working to his grade level equivalent.

The one area of noted challenge for Sebastian was with his Working Memory (WMI=86) subscale of his WAIS-IV. Working Memory is a measure of auditory skills of receiving, holding in memory, and then responding. Integrating the results of his QEEG finds the presence of multifocal sharp waves, deemed by a neurologist to be *epileptiform* in nature, were present in the mid frontal, right frontopolar, right frontal, mid central, left anterior temporal, and mid parietal brain regions can in part explain the challenge with Working Memory; as well as *alpha intrusion into the temporal lobes* (see J. Walker, MD, Neurologist report and QEEG report).

SUMMARY REPORT

From the results of the WAIS-IV, WJ-III, BVMGT-2nd Edition, TOVA and clinical observations Sebastian's strengths include:

1. Perceptual Reasoning (PRI) is in the "High Average" range.
2. Processing Speed (PSI) is in the "High Average" range.
3. Verbal Comprehension (VCI) is in the "Average" range.
4. Broad Reading is in the "Average" range.
5. Broad Math is in the "Average" range.
6. Visual and auditory continuous performance attentional strengths.

7. Participation behavior is very pleasant and cooperative.
8. Possesses and displays desire to perform well.

Sebastian's challenges include:

1. Working Memory (WMI) is in the "Low Average" range.
2. Broad Written Language is in the "Low Average" range.
3. Gastrointestinal imbalances.
4. Omega 3 insufficiencies.
5. MTHFR Mutation.
6. Possible Behavioral Vision challenge.
7. Dysregulated brainwave patterns; see QEEG report for details.

The overall findings of Sebastian's intelligence testing:

1. General intellectual abilities (FSIQ) are within the "Average" range (WAIS-IV).
2. Level of academic achievement is within the "Average" range (WJ-III).
3. Visual and auditory continuous performance attentional strengths (TOVA).
4. Specific Learning Disability with Impairment in Written Expression

RECOMMENDATIONS:

Given the above-mentioned findings, the following General Recommendations can be made:

1. Brain Health to address QEEG finding of *multifocal epileptiform activity*:
 - o Work with a neurologist specializing in pre-seizure and epileptiform activity to address the significant QEEG challenge pattern of multifocal epileptiform activity.
 - o Participate in neurofeedback training to reregulate epileptiform activity and the other dysregulated brain patterns. Visit www.bcia.com for a provider with BCN designation.
 - o Follow a Ketogenic or Modified Ketogenic. This diet is a special high in healthy fats, low-carbohydrate diet that helps to control seizures in some people with epilepsy.
 - o Meal plan: <https://www.dietdoctor.com/low-carb/keto/diet-plan>
 - o Establish a regular abdominal breath pattern of 6-10 BPM to help calm neuro-irritability.
 - o Supplement with Omega 3 fatty acids of 2.1-4.0 gr/day. Pharmacy grade omega 3 including: Metagenics, Nordic Naturals, and Cooper Complete.
 - o Avoid foods & drinks containing aspartame and monosodium glutamate.
 - o Drink plenty of water each day. Rule of thumb is water intake equaling half one's weight in ounces,
 - o Sufficient sleep each night with a minimum of 7.5 hours.
 - o Advise physicians to not prescribe you medications which may lower seizure threshold.
2. Evaluation by a qualified Behavioral Vision (BV) specialist to determine specific visual-perceptual and/or visual-motor challenges and remediation strategies. Visit www.oepf.org to find a provider near you.

3. Qualifies for a Specific Learning Disability with Impairment in Written Expression (DSM 5: f81.81) and is therefore entitled to academic services under Federal Law.
4. Complete the protocols given in the Medical Section of the Final Report to address gastrointestinal imbalances, MTHFR genetic mutation, and Omega 3 insufficiencies. Successful completion of such a program will likely have a beneficial impact upon your overall physiological, cognitive, and psychological functioning.
5. Participate in peripheral Biofeedback therapy (including Heart Rate Variability training) to learn proper stress coping techniques as well as to address any anxiety issues.
6. Participation in EEG-Biofeedback or Neurotherapy is warranted to address the significant patterns noted on your QEEG assessment (see QEEG report for detailed Recommendations).
7. Following EEG-Biofeedback treatment, you would likely benefit from a therapeutic intervention to help you further develop positive coping skills as well as to help you non-verbally process your feelings.
8. Practice abdominal breathing in stressful situations in order to enable you to perform to the highest of your capabilities. Consider using the emWave while engaging in stressful situations in order to help train yourself to habitually breath in a deep, consistent manner.
9. Explore cognitive exercises to strengthen abilities such as working memory and processing speed. The brain is flexible and can strengthen like a muscle with proper exercise. There are many fun activities on the internet that can help your brain exercise in the areas needing to be strengthened. One potential resource is www.Lumosity.com
10. Read Dr Frank Lawlis' book *Retraining the Brain*.
11. Eating meals with high "good fat" content such as avocados, nuts, salmon, tuna, chicken, and beans can provide nutritional support to your brain which thrives on this kind of fat to function well. Plenty of protein, water, fruits and vegetables are helpful as well.
12. Participate in physical exercise-related activities, which have been proven beneficial in the management of anxiety symptoms and improvement in cognitive functioning.
13. Chew gum with Xylitol www.epicdental.com to help with attention and focus.
14. Listen to PNP CD-II at least once a day to help integrate function among various areas of the brain.

February 14, 2019

Lacey Holloman,
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200

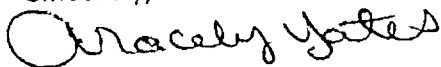
Dear Ms. Holloman,

Since I told you that I would play fair and provide you with everything we have, enclosed is a copy of part of the report I have submitted to the Criminal Section, Civil Rights Division of the US Department of Justice. I have filed a complaint, under the Color of Law for Intentional False Arrest, Unnecessary Use of Excessive Force during arrest, Intentional Fabrication of Evidence, Malicious Prosecution, and Conspiracy, and I have submitted support and proof for it all.

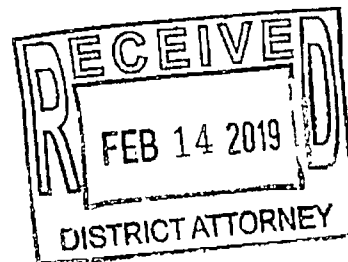
Please find enclosed a description of the complaint filed and some additional notes about the fabricated evidence from Sebastian's interrogation.

This information will further be used to bring public awareness to this serious problem.

Sincerely,



Aracely Yates



I. **INTENTIONAL FALSE ARREST** (February 16, 2018)

1. Please see the text messages with comments to see how police created the entire situation to make the arrest.
 - i. Officer Cody Allen
 - ii. Unknown what other officers were involved
2. If this was not done intentionally, then it is clear that this would be extreme incompetence, lack of training, etc.
3. They put out in the media that these men were all "targeting minors" and purposefully left out the fact that these men were targeted (by police) on adult sites in order to be able to make these arrests.
4. The spokesperson for TX DPS blatantly lied to the public, in the media, and acted like they were saving everyone's children in West Texas from these child predators.
5. Unknown if this was done for money purposes, undeserved public attention, political reasons, some other kind of cover up, any other reason, or a combination of some of these.

II. **USE OF UNECESSARY EXCESSIVE FORCE DURING ARREST** (February 16, 2018)

1. The proof of caused physical harm can be found in both, the interrogation and the polygraph, videos.
 - i. Sebastian's scraped knees (both) are visible.
 - ii. Officer Olvera asks Sebastian what happened to his knees. Sebastian states that they (the officers) were rough with him. (meaning during the arrest)
 - iii. In the polygraph video, you can see Sebastian pour water on his scrapes to clean them.
2. Both videos are proof of Sebastian's full cooperation.
 - i. A claim of resisting arrest would not be believable. That would be very inconsistent with all other evidence.
 - ii. Sebastian even shows confusion by asking if the police were looking for someone. He is very confused about why they took him down the way they did. He hasn't hurt anyone or done anything that would require this. He doesn't understand this at all.
3. Check officers' cameras, cameras on vehicles and body cameras, if used.
 - i. It would be no surprise to find out that none of the videos of this are available. They have reason to hide the evidence.

III. **INTENTIONAL FABRICATION OF EVIDENCE** (February 16-17, 2018)

1. The evidence here is overwhelming and cannot be denied or covered up.
2. Midland Police Department Officers Olvera and Jenny Alonzo are either extremely incompetent or very much did what they did on purpose. There is no other excuse for what was done.
 - i. Officer Olvera twisted statements to turn them into what they needed them to be, in order for them to get out of this what they wanted.
 - ii. Officer Olvera also, improperly, added words like "was getting excited" and "had to stop myself" or "talk myself out of it", etc. to create statements needed to support the case they needed and wanted. Please see the video for the proof of what was really said and how this officer changed it, to fit what the wanted.

- iii. Jenny Alonzo was present during most of this interview. A competent officer, with integrity, would have caught on to this and known that this is wrong. It is highly likely that she knew very well what this officer was doing on purpose, and she fully supported it.
- 3. The evidence against the TX DPS, unnamed officer, who conducted the polygraph test is the most overwhelming.
 - i. Very obviously used intimidation
 - ii. Worked at keeping Sebastian confused.
 - iii. Put words in Sebastian's mouth to make him say what he wanted him to say.
 - iv. Pretended to conduct a valid lie detector test.
 - v. Twisted things around that Sebastian said.
 - vi. Forced made up stories.
 - vii. Took it even further and changed one of the made-up stories to turn it into what they needed, to get what they wanted out of this.
- 4. Again, Officer Alonzo is a part of this.
 - i. She happily takes down the false, forced confession and has Sebastian sign it.

IV. **MALICIOUS PROSECUTION**

- 1. Lacey Holloman is also either extremely incompetent or malicious and also a part of this big cover up.
 - i. Lacey has the text messages that are proof that it was the officer that did the soliciting, not Sebastian.
 - 1. She also knows that police placed their ad on Craigslist (an adult site) under Casual Encounters, no strings attached.
 - ii. Also has the videos with the overwhelming proof of fabricated evidence.
 - iii. She's aware that there was excessive force used because there is proof in both videos, and both videos are also proof that Sebastian was fully cooperative.
 - iv. She has been given Sebastian's medical records and other information (including this outline) about things that were done very wrong with this case.
 - v. Intends on using a story she clearly knows was fabricated by police, to prosecute Sebastian. (Very obviously fabricated evidence)
 - vi. Intends to use Officer Olvera's twisted and false statements about what Sebastian supposedly said. (More fabricated evidence)
 - vii. Has worked to keep the video evidence covered up.
- 2. Laura Nodolf (Midland County District Attorney)
 - i. Responsible for providing the inaccurate information to the media.
 - ii. According to attorney, Tom Morgan, Laura wants Sebastian in prison and absolutely refused to consider probation as an option.

V. **CONSPIRACY**

Midland County Sheriff's Office

- Dishonesty
- Lied. Told Sebastian he could get a pre-trial bond for 1% of his bail.
 - After the amount for the pre-trial bond was paid, and after waiting for hours, they informed us that they did not do any bails for felonies on weekends, and since Monday was a holiday, we would have to wait until Tuesday.

- Tuesday we were informed that this type of crime did not qualify for a pre-trial bond. The over \$100 fee that was charged for just paying the \$1,500 pre-trial bond was not refunded.
- At least three people told Sebastian that he could get a pre-trial bond (police officer, jail staff, and even a judge)
- Lied. Told me that they did not accept cashier's check or wire transfer to pay a bond of a high amount.
 - Told me they only accepted cash, debit, or credit card. They expected me to bring them \$50,000 in cash.
- Lied. Gave me the wrong information for making out the cashier's check, after keeping me on the phone for a long time, continuously putting me on hold, going back and forth about whether they accepted cashier's checks or not, and refusing to allow me to talk to an administrator, even after several requests for this.
- Declined the first cashier's check I took them because it was made out wrong, due to the wrong information I had been given.
- Sebastian had cash stolen from him. Not all of his cash was turned into his inmate account.
 - Unknown if this was done by jail staff, Midland Police Department officers, or TX DPS officers.
 - Unknown of exact amount of cash that was taken.
 - Sebastian had not counted his smaller bills (\$20, \$10, \$5, \$1)
 - Only the \$100 bills were turned in.
 - This was reported to Midland Police Department in March 2018.

Unable to get police report for our own purposes and investigations.

Still finding out now, a year later, about false information reported by police.

Four different criminal defense attorneys and a private investigator who have worked against the case

Wayne Frost (Court Appointed Attorney, March 2018 – June 2018)

- Extremely unprofessional, unethical, no integrity
 - Very rude, evasive, unwilling to listen, no communication with Sebastian, failed to inform about plea bargain, lied in court, does not return calls, only scheduled one appointment with Sebastian in 4 months, lies immensely, present evidence that he treats other clients the same way, reported to State Bar for misconduct
 - Either extremely incompetent or straight up corrupt

Ed Shelby (2nd Court Appointed Attorney, June 2018 – July 2018)

- Very unprofessional, no integrity
 - Does not return calls, called Sebastian for the first time after Sebastian missed a court appearance that he was never made aware of, then he lied and said he had tried calling Sebastian
 - Phone records should prove that he lied
- Denied that it was Sebastian's right to have his mother present during their meetings.
- Told us that it was his own right (Ed's right), not Sebastian's right to make this decision. Sebastian had no choice in the matter.
- Admitted that Sebastian is not a predator and said incredibly ridiculous things like: It doesn't matter. Truth is relative. Sebastian can snap at any moment.
- Refused to call a witness expert we were interested in hiring to review Sebastian's videos (interrogation and polygraph)
- Told us that the expert witness could only be used for the punishment phase of the trial, but still refused to call him.
- Also told us that character witnesses can only be used for the punishment phase of the trial.

- Also, very incompetent or just a part of the corruption, as well.
 - Evidence indicates he was helping cover up.

Thomas S. Morgan (Hired attorney, 3rd attorney, July 2018 – January 2019)

- Incompetent, no integrity
 - Refused to talk to an attorney (whose information was fully provided to him) from a special program that focuses on helping people with mental disabilities caught in the criminal justice system, who would have offered free advice and help
 - Tom never contacted her and completely ignored that information
 - Took 4 to 5 months after being hired to even read the text messages himself.
 - Had Private Investigator, Nancy Piette, doing everything.
 - Took him that long to figure out that Sebastian, indeed, had not done the soliciting. The officer did.
 - Agreed to use entrapment as a defense, then took it back after 5 months and said the entrapment defense could not be used.
 - Never provided an alternative defense, even after consistently asked this question. He was evasive and would never answer the question.
 - Consistently told Sebastian that he had to accept guilt, in order to be able to use the entrapment defense.
 - Worked hard to try to discourage Sebastian from taking the stand, even though this is necessary with an entrapment defense.
 - Told us we could not disrespect police when I brought up things like the clear proof, we have of police fabricating evidence.
 - Told Sebastian that he had to be respectful and could not be disrespectful to the prosecutor when I made it clear to Sebastian not to agree with any lies the prosecutor would use and try to get him to agree with.
 - Insinuated that disagreeing with the prosecutor would be showing disrespect.
 - Strongly discouraged us from using the expert witness the court ordered to evaluate Sebastian, before even obtaining results of his assessment.
 - He had Sebastian's assessment results from a prior evaluation.
 - He knows very well that Sebastian is certainly not a child predator or even a predator at all.
 - This is more obvious evidence that he was not willing to use anything that would clearly help Sebastian's case.
 - Told us that expert witnesses and character witnesses can only be used in the punishment phase of the trial, not to help determine guilt or innocence.
 - Filed to withdraw as counsel
 - First attempt was unsuccessful
 - Succeeded with second attempt
 - Lied to judge by insinuating that the reason he did not want to use the lie detector video (which is clear evidence of police corruption), which he filed a motion to keep out of court, to hide, was because the officer said that Sebastian had not been truthful.
 - This is a blatant lie, because he knows very well that the only one lying in that video is that officer. It's very obvious. This was a very purposeful lie.
 - Was able to get away with it the second time, because he worked at making it look like I was the problem by accusing him of corruption.
 - If it looks like a duck and it walks like a duck, then it is a duck. He was very obviously helping with this big cover up, as well.

Alvaro Martinez (Fourth attorney, Court Appointed, January 2018 – Present)

- Also, either incompetent or part of the corruption, helping cover this up.
 - Claimed to have read the text messages and watched the videos.
 - Made it clear that this was NOT a case of entrapment.
 - Seems to be more interested now in reviewing everything again, after being provided with all of this information (in writing) and being informed of the complaint filed.
 - Stated that he saw nothing wrong done in the videos.
 - Is now interested in reviewing the interrogation video with Sebastian. He was not interested before.
 - Tries to use intimidation and is evasive
 - Not willing to listen, argues against just about everything brought up, then turns around and makes accusations of exactly that.
 - Avoids answering questions
 - Responds with smart alec remarks or acts like he doesn't understand a simple, straight forward question.
 - Had to keep repeating the same question, just to get an answer
 - Made it clear that we (Sebastian and I) were the problem here, since he is now Sebastian's fourth attorney.
 - Unwilling to listen to anything about what has happened or anything that helps Sebastian's case.
 - I had to provide everything in writing for him, to get through to him.
 - Also discouraged us from using the expert witness that was court ordered to evaluate Sebastian, and did not even have the results yet.
 - Pretty obvious evidence that he is not interested in using anything that might help Sebastian's case.
 - Unknown at this time if he is taking the complaint filed seriously or not.

Nancy Piette (Private Investigator hired to help Tom Morgan, July 2018 – October 2018)

- Also, either extremely incompetent or part of the corruption, helping cover this up.
 - She claims to have a master's degree in psychology and brags about how she's been doing this job for 30 years.
 - With that level and kind of education, along with all that experience, she has to have known very well what she was doing, and she very purposely worked against Sebastian's case.
 - We paid her to basically investigate us, to try to find things that could be used against us, to get us to give into accepting that Sebastian is guilty.
 - Why would she need my resume?
 - Why would she tell Sebastian to provide her with the names and phone numbers of his online friends to use as character witnesses, that she very well knew could not be used because they are out of state?
 - She lied to Sebastian and told him that his out of state friends could be used as character witnesses for his trial. Then after she talked to them, she took it back and said that they could not be used because they did not live here.
 - Why would she only contact people to interview as character witnesses that she knew very well would not be used for the trial?
 - She worked hard to keep the focus off of things that would clearly help Sebastian's case and made huge deals out of other things that had nothing to do with soliciting minors, like seeking the services of prostitutes.
 - She and Tom convinced us that this was a huge deal, and an expert witness would be needed for this.

- They completely ignored and worked hard to keep the focus off of the very obviously fabricated evidence.
- Nancy was caught in a huge lie.
 - She lied about the cost of this expert witness, she wanted us to use. We have this proof in writing, from the expert witness himself, and emails with Nancy are proof of her deceit.
- Nancy worked hard to convince us that Sebastian is guilty, and we should accept it.
 - She would consistently explode in anger when confronted with facts that proved her wrong. Then she would quickly move on to something else.
- She even used Dr. Fabian to try to convince me of things she was constantly telling me in very abusive ways, to get us to give into what they wanted.
 - They told me things like: I have no objectivity. I just want to be right. I am too proud. I am entitled. I don't really know or understand much. Etc. She even offered me a personality test, but then passed up on it when I agreed to take one.
- She did not contact anybody local who was on the list that Sebastian provided her with, for character witnesses.
- She refused to talk to Sebastian's roommates because they are gay and, according to her, everybody in Midland is very anti-gay. So, using gay people as character witnesses would only hurt his case.
- She said she would contact Sebastian's therapist, Rachel Zachery, but she never did.
- She only reached out to Rachel after she was no longer working for us, but she never followed through.
 - It is unknown why she would have reached out to Rachel, after she was no longer working for us.
- Nancy still seems to be involved in Sebastian's case, and it makes no sense at all. She stopped working for this case in October. However, she has been in contact with the doctor who did Sebastian's evaluation in December, and she's also been in contact with the current attorney. For some reason, she is the one that dealt with the doctor and provided all the information to him, instead of Tom Morgan.
 - This is exactly why I provided the doctor with the 2 videos. I knew she had not.
 - Why is Nancy still involved with this case? She, for sure, cannot be trusted.

NOTES ABOUT THE INTERVIEW VIDEO

"I just had an urge, and I thought this girl was my one and only chance, because I've been on Craigslist for a while. I've been lonely. I've been single, since like for as long as I can remember. But after I got myself under control, I thought maybe I should do something about this before it turns into something big. It turned into something, but I wanted to talk to this girl, but I figured, that this girl was somebody that I thought was having trouble. I thought maybe I could be somebody that could help her. Steer her in the right direction, once I got my thoughts under control, because I realized what I was doing was wrong, but I thought since I've already got myself into this mess, maybe I can clear the problem."

NOTES: In the first sentence, Sebastian is talking about having an urge to have sex, a very normal thing for young men. There is absolutely nothing abnormal about that. This is something that has obviously been twisted.

He thought that this girl was his only chance because she basically threw herself at him at a very vulnerable time, when he was looking for sex (for his normal urge). This is why he was on Craigslist, to begin with. He was looking for someone who was looking for the same thing as him. She was the only one who responded who seemed real to him.

He makes it clear that he's been lonely and single for a long time. This is because he does NOT hit on girls or anyone. He doesn't have sex. He wanted to have sex. There is absolutely nothing abnormal about that. It's a basic human need and desire. Everybody knows that! Check his medical records to learn more about why he's not a typical young man who hits on females.

He states that he got himself under control. He later clarifies that his thoughts were clearer after he masturbated in the shower, which he does on a daily basis. Sebastian never stated that he got so excited about this that he masturbated. This statement on the police report is another twisted statement from the police.

He then states that once he got himself under control (no longer felt the urge for sex that he was feeling before, which, again, is very NORMAL) he thought he could do something about this before it turned into something big. He clarifies this later, when the officer tries to twist it into something else. He states that he wanted to warn her about being on Craigslist because something bad could happen to her. He later backs this up with his story about what happened to his good friend from high school (Haley Kemp).

He wanted to talk to her and help her. I realize this is something that is very difficult for some people to believe, because some people really just don't understand the concept of people wanting to do good for others. We all assume that everybody else is just like us. People who don't care to help others just can't believe that this is real, because they cannot relate to it. Wanting to help others is just not a normal thing for them. [Major bias problem here] It is real. He was wanting to help her.

In the last sentence of that, he says he thought maybe he could clear the problem up since he had already gotten himself into that mess. He had already allowed this person to talk him into having sex with a minor. He was no longer feeling that urge for sex, since he took care of it himself. He was not going to just leave this girl hanging. She would have only moved on to the next person she would've found on Craigslist, and she was clearly looking to hook up with someone.

"Are you looking for someone right now?" This shows his confusion and naivety. This is very inconsistent with being a predator.

Officer: "Earlier you were talking about a... You said you wanted to meet this girl before something took over. What were you talking about?"

Sebastian: I wanted to meet her. Tell her that I'm sorry that I lied to her for saying all those things, because I wasn't thinking straight. And I wanted to tell her that, "You need to get off of Craigslist and avoid this life—avoid this path before something bad happens."

NOTE: The officer clearly did not understand what Sebastian was trying to say and even twisted this into what he wanted it to be. [Major bias going on here] Sebastian never said anything about anything taking over.

Officer: "So, initially you were thinking you wanted sex with her, and then you got your thoughts together and then you just wanted to warn her or...."

Sebastian: Yes

NOTE: He was looking for sex to begin with to fulfill his natural and normal urge. He was looking for someone who was looking for the same thing as him. This person offered sex to him. He makes it clear that he knew this was wrong and clearly shows that he was feeling bad about having fallen for this. He very clearly did not solicit this person for sex. The officer did the soliciting.

Officer: "So, what made you change your mind about you wanting to have sex with her and then not wanting to have sex with her."

Sebastian: "Ultimately, I couldn't see what was right and what was wrong at the time, because being single for so long just messed with my mind. And then I was just getting desperate and I was like I just gotta have this. I just gotta have this. Even though I know it's wrong. Even though I know that this is looked down upon. Even though I thought maybe I could just get away with it, you know. I'm not hurting anybody."

NOTE: Here, again, he explains that he was not thinking clearly because of his natural desire for sex. Here he had found someone who was looking for the same thing, even though she was supposedly a minor. Cody Allen really played with his mind and his vulnerability. He really made Sebastian want this by pushing for it. His male thoughts and desire for sex took over. He admits that he knew it was wrong, but he did not see this as hurting anyone because, clearly, this person was looking for this as well. This really shows his immaturity and young thinking. Again, please refer back to his medical records to understand this. He did not prey on this pretend minor. It was the other way around.

Officer: When did you decide, "Hey maybe this is wrong"?

Sebastian: It was after I showered.

Officer: Okay. What made you decide?

NOTE: You can see Sebastian hesitate here because the truth is that the main thing that made him change his mind about wanting to have sex with her is that he took care of his own normal urge for sex by masturbating in the shower, like he does every day. He's too embarrassed to say it. So, he

hesitates. He then just skips over to tell the story about what happened to his friend Haley, which is actually why he wanted to help this girl (keep her from moving on to others she would meet on Craigslist).

"I felt like she was egging me on, and then I just started to initiate."

NOTE: The officer very clearly pushes for sex talk. Sebastian did not even realize at the time how hard this officer was pushing for sex and sex talk. He finally caught on to clues the officer was dropping, which is clearly proven by the text messages. This is why he says that he felt she was egging him on. He was right, the officer was egging him on, and he worked very hard at it. Sebastian did not pick up on the initial clues and even some of the other clues later. Cody Allen was very much pushing for sex.

Sebastian states that he initiated the sex talk because he was the one to say the word sex and talked about it in detail. He doesn't even realize that it was the officer who initiated it.

Officer: "So, was a part of you excited, though, when you were driving over there trying to [UI]?"

Sebastian: Not when I was driving up. It was before the shower. Because, uh... I'll be honest, I let one loose after that. That's when all my thoughts got clearer. It's after you let loose. It's always after you let loose. It happens to me every day.

Officer: You let loose, like what do you mean? Like you rubbed one out?

Sebastian: Yeah. That's what I try to do whenever I—to get my thoughts together. It always works. It always works.

NOTE: This is consistent with what he has already said. Here he finally admits that he masturbated and that is what made him change his mind about wanting to have sex with her. He no longer had that natural urge for sex. He clarifies that his thoughts got clearer. This is what he is talking about earlier when he says "after I got myself under control." He then clarifies that after he masturbates, he can think more clearly, which is a very normal thing. He no longer feels that normal urge for sex. His mind is no longer focused on sex. He can think more clearly about everything else now, now that he's taken care of that.

Officer: Because earlier, and I wish I could remember exactly what you said. I don't know if you remember. You were saying something like, "I was getting excited and [UI], but I had to, had to do it—talk myself out of it before something happened."

Sebastian: Yes

Officer: Like, uh, what do you mean?

NOTE: [Bias going on here again] Sebastian is talking about his natural urge to want to have sex. Sebastian never said anything about getting excited and having to talk himself out of it before something happens. This, again, is something else the officer twists around due to his own bias. When Sebastian talks about something big happening, he is talking about something really bad happening to the girl because she is advertising herself on Craigslist to adult men who are looking for sex.

The officer is putting in Sebastian's head that it's abnormal to want to have sex.

Officer: And the only reason I'm asking about these thoughts that you're having and everything— Because earlier... And I wish I could remember exactly what you said. I don't know if you remember, but you were saying something like... like, "I was getting excited and [UI] but I had to, had to do it—talk myself out of it before something happened."

NOTE: Sebastian never said that. This is the officer's own bias.

Sebastian misunderstands and responds yes to this. The officer asks Sebastian what he means by this.

Sebastian: Like, uhm, it was lust controlling me. It was desperation, and it was that feeling that was clouding my thoughts. But I know, because I have these thoughts once at a time, but I know if I...

Officer: Okay, what, what kind of thoughts?

Sebastian: Uhm, just lust in general, like I see a woman, "Why not? Let's do it."

"Just general, guy thoughts."

Fantasy described: "Romantic night. Go to dinner. Hang out. Talk. A friendship, a bond, then sex. I don't know."

Clearly denies any fantasy that involves violence, something the officer has kept pushing for.

NOTE: Again, this clearly shows the officer's bias and Sebastian's lack of understanding. Sebastian is talking about his natural and very normal desire to have sex. The officer has him convinced that there is something wrong with this.

CONCLUSION: This is why police officers who have no experience or training in dealing with child predators or predators, in general, should not be carrying out assignments like this. They clearly are very clueless about what they are doing. This is very reckless and irresponsible.

I hope nothing like this ever happens to either one of your sons. Only then, would you really understand. My sons did not have their father around to teach them about all this stuff. I know this may all sound unbelievable to you, but this is the real truth. What has been done here is extremely reckless and irresponsible. There is no way we are just going to let this go.

Just because you don't get it doesn't mean that nobody else does either. You need to use these videos to show the proof of what really happened, what was really said, and how it was said. You are not serving Sebastian's best interest, like you should be, by allowing them to use lies to convict him.

January 23, 2019

Lacey Holloman,
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200

Dear Ms. Holloman,

Since you are going to eventually find out about the things we are putting out about all this, here are some copies of some of the stuff for yourself.

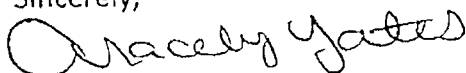
You can try to cover up and participate in this corruption all you want. You may even get away with it, initially, but the real truth always eventually comes out. Even if the video we have that clearly shows police corruption is not allowed in court, that does not mean that we are not going to use it in other ways to fully expose this for what it really is. There are copies of it in the hands of other people.

It is no secret that TX DPS is very corrupt. I do not know why you guys think you can hide that. TX DPS has a current lawsuit going on for their culture of corruption. That is not a secret. Many people are very well aware of their corruption and the fact that someone is finally holding them accountable for it.

The video we have is just further proof of their corruption. You can try to cover it up all you want. It will be exposed, and you will be exposed for trying to cover it up.

We are not going to give up until this is fully exposed for what it really is. It is very clear that there is no true concern for solving real crime or protecting anyone in all this. There is plenty of evidence to believe that this is all about money and egos.

Sincerely,

A handwritten signature in cursive script that reads "Aracely Yates". The signature is written in black ink and is positioned below the word "Sincerely,".

Aracely Yates

S:	(2:51 PM) Yo	
Girl:	(3:47 PM) hey	
S:	(4:37 PM) I saw ypur craigslist ad. Are you busy today	<i>Ad posted under "casual encounters (no strings attached)" stated that she was looking to do something with someone that night.</i>
Girl:	how old are you?	
S:	22	
Girl:	Oh I am worried i am too young 4 u	
S:	Age doesn't bother me. Unless you were like 60 i guess o o	<i>He doesn't even get it that "too young" for him would be a minor.</i>
Girl:	def not 60 lol	
S:	Well if you ain't bothered by age then i won't be bothered by yours	
Girl:	im almost 14 but look a lot older	
S:	Wew. I don't think craigslist is where you want to find your dates, but again. I dou't mind if you don't mind. What did you want to do tonight	<i>He's shocked that a 14-yr. old would post an ad on craigslist to find dates with adult men. Remember, his friend, Haley Kemp, who was sexually abused by her father was hanging out with older men who got her into drugs, which led to her death (a heroin overdose)</i>
Girl:	Idk, i haven't hung out with older guys much, what would you like to do?	<i>The girl had posted an ad on craigslist (casual encounters) looking to do something with someone that night, clearly looking for a date.</i>
S:	Im a boring fellow in my opinion but if youd like i could take you to a movie and maybe have dinner after-wards if thats cool enough with you. What happens after that is up to us	<i>Wants to hang out with her since the girl obviously is looking to do something on that night with someone she's going to meet on craigslist. Tries to keep her from moving on to someone else because he truly believes she would be better off hanging out with him than anyone else she might meet on there. "What happens after that...." means they could then decide if they wanted to hang out again, etc.</i>
S:	(sends a picture of himself standing in front of bathroom mirror that he had taken on a different day)	<i>The picture simply shows who he is. There's nothing indecent about it.</i>
S:	This is me btw	
S:	Fairly recent	

Girl:	cute	<i>Makes it obvious she is interested in him. Clearly looking for a date.</i>
S:	If you say so (smirking emoji face)	
Girl:	i do	
S:	So, what do you say	<i>Tries to get her to come out for the second time.</i>
Girl:	i just want to make sure you are not a kreeper	<i>Pretends to be cautious. Later makes it clear that she will only come out if there will be sex involved.</i>
S:	Ok. And how do you want me to prove that	
Girl:	i don't know lol.... im just nervous haha	
Girl:	what do you usually do?	<i>Hoping he's manipulative.</i>
S:	Im just a boring guy who enjoys playing games competitively. Im trying to go to school next semester and work on a bilingual degree	<i>This is true. "playing games competitively" is obvious that he is not talking sexually</i>
Girl:	thats cool	
S:	What kind of person are you. And what kind of music do you like	<i>Trying to get to know this person.</i>
Girl:	i like a sorts really, mainy hip-hop tho	
S:	Are you the shy or more outgoing kinda type	<i>Still trying to get to know this person.</i>
Girl:	shy and keep secrets lol	<i>Obviously, the officer's mind is somewhere else, and he starts dropping clues about what this girl is looking for (sex).</i>
S:	Heh, i use to be like that too around that age. Well, i like to keep some seem secrets still	<i>On a completely different level</i>
Girl:	i don't really go out much, u?	<i>Appealing to Sebastian because he can relate.</i>
S:	Nope. I love staying inside watching shows and playing games.	<i>This is true. Remember, he's already said he plays games competitively.</i>
S:	But i can enjoy some decent time outside every now and then. But why bother when I can stay home for free lol	<i>This is very true about him. He very rarely went out then and still doesn't.</i>
Girl:	me too!! not the games part so much tho	<i>Officer talking about something else when he refers to "games".</i>
S:	Would you like to play some games?	<i>Talking about video games, like he's already mentioned.</i>
Girl:	what kind of games lol?	<i>On a completely different level, obviously trying to turn the conversation sexual.</i>

S:	Something relaxing? Since you dont seem very experienced to this sort of thing.	<i>Obviously has a very different mindset. (On a completely different level) This is the way Sebastian typically talks to everybody.</i>
Girl:	sort of thing???	<i>Again, is hoping to turn the conversation sexual (dropping hints).</i>
S:	Not everyone is good at video games, or has the patience to try to be.	<i>Clarification, since she pretends not to understand.</i>
Girl:	lol what kind of games	<i>Disappointed and still wanting to turn the conversation sexual. He's already made it clear that he is talking about video games.</i>
S:	Have you ever played zelda?	<i>Still clueless about the officer wanting to turn the conversation sexual.</i>
Girl:	nope, what else you got?	<i>Keeps trying.</i>
S:	I have a switch and I was thinking about picking up a new game. I also have mario	<i>Still clueless and on a completely different level. He's clearly talking about video games.</i>
Girl:	sweet i can ball on some mario action lol!!	<i>Tries even harder, too desperate. *Brings up sex first: "ball" (vulgar form of to have sexual intercourse)</i>
S:	Swag	<i>Believes that she wants to play the Mario video game.</i>
S:	So did you want to hang out today?	<i>Third attempt to get her to come meet him to keep her from moving on to someone else. Expects for her to come out and play video games with him.</i>
Girl:	maybe.... it depends	<i>Obviously not good enough for her.</i>
S:	I think we should keep texting each other and to get to know one another till you feel comfortable around me	<i>Really believes that she is just being cautious because she doesn't know him. Has not caught on yet that she is strictly looking for sex.</i>
Girl:	im down with that if you are	<i>Of course, interested in more talk because is only interested in sex. Playing video games is not what this person is looking for.</i>
S:	Im as comfortable as you want to get.	<i>He'll let her get to know him as much as she wants. Again, this is the way Sebastian normally talks.</i>
S:	But i don't want to rush you	<i>Obviously not pushing for anything. He wants her to get to know him and make her comfortable. So, she can come hang out. This is not the</i>

		<i>same as what a predator would do. He is clearly not pushing her to do anything she doesn't want. He's just confused about why she would post a craigslist ad looking to hang out, if that is not what she was looking for.</i>
Girl:	lol your funny	
S:	o3o	<i>Being playful. Typical of him.</i>
Girl:	huh?	
S:	Its a face	
S:	Cuz you said i was funny	
S:	So i made a funny face	<i>Very typical of him.</i>
Girl:	o i c	<i>Doesn't get it.</i>
S:	Heh... What school do you go to	<i>Continues social conversation to keep her engaged. She was obviously looking for a connection with someone, at the very least. It becomes clear later that she is mostly interested in sex.</i>
Girl:	homeschool....i got in trouble a while back and my mom wanted me to stay home	<i>Obviously, wants to make it clear that this is a troubled girl. This would only want to make Sebastian help her more. That is who he truly is.</i>
S:	Oh... Do you like being home schooled?	<i>Trying to get to know her.</i>
Girl:	not really....i get bored	
S:	Dont go out much yet you get bored with homeschooling lol	<i>Being playful and teasing. Suggesting maybe she should go out more if she's bored staying home. Sebastian is someone who prefers staying home. If he preferred to go out more, then he would. He doesn't understand why someone who is bored at home would not go out more. He is clearly not thinking of their age difference.</i>
Girl:	i miss my old friends	<i>Wants to appear as being lonely to appeal more to Sebastian and appear like an easy target for a predator. Except this officer is clearly not very knowledgeable about real predators.</i>
S:	Yeah...i was about to say. You just need someone to talk too	<i>This is sincere. I can understand how someone like Cody Allen would</i>

		<i>not understand this, especially if he's not very knowledgeable about real predators.</i>
Girl:	i like talking to you so far silly	<i>She obviously wants to woo him and keep him engaged.</i>
S:	Oh you flatter me (upside down smiley emoji face)	<i>It works</i>
Girl:	haha	
S:	This is nice though. I miss having someone to text all day	<i>This is also sincere.</i>
Girl:	yeah right i bet you have lots of friends	<i>Starts to play the jealous girl; manipulating</i>
S:	HAAAA	
S:	AAAAAAAAAAAAA	
S:	...ah..	
Girl:	lame haha	
S:	Well i have a few select friends that i keep close to. I am living with room mates and i talk to friends online almost everyday	<i>"select friends" = only a few he chooses to be friends with Roommates are 2 gay guys (a couple) Most of his friends have always been older than him.</i>
S:	Other than that its just family	<i>This is true. He's being sincere.</i>
Girl:	oh cool...you be talking to girls all day too??	<i>Plays the jealous girl; manipulating</i>
S:	Pfffttt	
S:	I wish...	<i>The officer is clearly the only one trying to play mind games here.</i>
Girl:	so am i the only girl you talkin to now?	<i>Manipulating; Plays the jealous girl again, and makes it clear that she wants to be the only girl he is talking to. Clearly looking for a hook up.</i>
S:	Oh, does my mom count?	<i>Being sincere. Mom is a female.</i>
Girl:	not unless you think i am like your mom	<i>Manipulating; Makes it clear she wants to be different.</i>
S:	Then that makes you 2 separate categories	
Girl:	well thats good	<i>Manipulating; Confirms she doesn't want to be seen as just a female like "mom". She wants to be special. That's why she is playing jealous.</i>
S:	Then again i only met you today.... Maybe you could be just like my mom (emoji face with open mouth)	<i>Meaning "you're just a female I have had a conversation with."</i>
Girl:	ummm no	<i>Manipulating; Makes it clear she wants to be more than that.</i>

S:	If you say so	Goes along with it.
Girl:	well i am 13 so i don't want no kids lol	This is totally off topic. Obviously wanting to turn the conversation sexual, but Sebastian doesn't catch on yet.
S:	Thats the spirit. You go girl	Congratulates her for not wanting to have kids. Interprets it as she doesn't want to have kids at 13 or 14, whatever age she is. So, obviously she's having sex or looking to have sex. She's also on an adult site looking to hook up with someone.
Girl:	haha	
S:	im bored again	Manipulating; Social conversation is obviously not good enough for her. She's obviously looking for more than just chatting with someone.
S:	Sounds like you need a buddy to hang out with	Fourth attempt to try to get her to come hang out in a social setting, to keep her from moving on to the next person. He truly believes this girl is looking for some kind of connection. Why else would she post an ad on Craigslist? That's what lonely people do.
Girl:	hang out?	Manipulating
Girl:	what does that mean to?	Manipulating; First clue Sebastian picks up on that she is looking for sexual contact, not just hanging out in a social setting or getting to know someone. Everybody knows what "hang out" means. She pretends not to know. It's too obvious. She's obviously looking for more than just hanging out socially.
S:	Yea...like meet up with. Chill. Cut loose. Spend time together with.	Attempts to explain to her (define) what "hanging out" means since she pretends not to know what he means.
S:	Synonyms	Other synonyms for socializing, "chill", "cut loose", "spend time together"
Girl:	cut loose?	Manipulating; Tries to turn the conversation sexual again. Cut

		<i>loose: social fun, do something fun, etc. Do fun things like young people do.</i>
S:	Wow you do need a friend	<i>Surprised that she would not get this. This is a more obvious clue that she is looking for more.</i>
Girl:	hey thats rough	<i>Acts offended; looking for sympathy; using manipulation</i>
S:	Then let me be your friend	<i>Continues to try to be friends with this girl to get her to come meet him instead of moving on to the next person. She's obviously looking for attention because she's on Craigslist.</i>
Girl:	ummm maybe	<i>He is obviously, still not good enough for her.</i>
S:	I see how it is	<i>He gives up.</i>
Girl:	i do like talking to you tho	<i>She lures him back in; using manipulation again.</i>
S:	Then that means were friends	<i>Still being sweet, trying to help this girl.</i>
Girl:	o i c	
S:	silly billy	<i>Glad to see she's getting it.</i>
Girl:	so if i take to risk with my mom and sneek to meet you what are we going to do	<i>Manipulating again. He's already told her: go out to a movie, have dinner, and even play video games. None of that was good enough for her. Again, very obvious that she is looking for more. She wants him to tell her that he will do exactly what she wants. She wants to hook up. She wants sexual contact.</i>
S:	Well, i dont want to take you back to my place and risk having the questioned asked why am i hanging out with a 14 year old. If youre hungrey i can take you to dinner	<i>Playing video games is out because he doesn't want to bring her over to his place. He wants to hang out at a public place. He doesn't want to answer questions about how he found a 14 yr old to hang out with. Nobody knew he was using Craigslist.</i>
Girl:	who would ask?	<i>Manipulating again. She is very clearly not okay with going out to a public place. She wants to come over. Otherwise, why does it matter if you're not going there?</i>

S:	My room mates	<i>Doesn't want to have to explain her to his roommates. She's a 14 yr old that he came across on Craigslist. He would have to explain that he was using Craigslist to meet someone, and this girl was looking for a date on Craigslist. He chose to hang out with her because she was the only one who seemed real. They both obviously needed some kind of connection with someone, and this girl was putting herself at great risk by advertising herself to adult men in a setting like that.</i>
Girl:	tell them to go somewhere silly.... i def dont want to be around a bunch of dudes i don't know	<i>Manipulating again. She very obviously wants to come over to his home. Sebastian already made it very clear he doesn't want to bring her there. BTW, the roommates are 2 gay dudes (a gay couple who are engaged) They would definitely not be a threat to any female. This is very wrong for Cody Allen to do. Cody Allen keeps pushing for that because the girl he is playing is clearly looking for sexual contact. This is very opposite of what should be done in these sting operations.</i>
S:	Ones passed out on the couch since he doesn't have work today...	
S:	If it wasn't for that then yea i probably could risk it	<i>Again, he makes it clear that it is not going to happen. She obviously wants to go to his home. Going there would be to play video games, like he's told her already. Either she really wants to play video games, or she is clearly looking for a hook up in a private place.</i>
S:	But let me be frank with you for a moment	<i>Being honest.</i>
S:	I don't have a bed in my room	<i>This is true. He's telling her about his room. He did not yet have a bed in his room. He is explaining that his room does not look like a normal bedroom. Since he has roommates, this is where they</i>

		would be hanging out, if she were to go there.
Girl:	whats the bed 4? haha	Manipulating again. Attempts to turn the conversation sexual and is very much showing interest in sex.
S:	...for me to sleep on ofc	Pretty clueless. Probably takes him a while to figure this one out, since he truly is explaining that his room is not like a "normal room" right now.
Girl:	ofc?	Not the typical teenager because she doesn't get it.
S:	Of course*	
Girl:	haha so you want me to sneak out to watch you sleep...kreeper haha	Manipulating again. Pushing harder for sexual conversation; making it obvious that she is looking for more. Confusing him because he's already told her about plenty of things to do, obviously, none good enough for her. She wants more. Again, she makes it clear that she wants to come over.
S:	Damn, you got me	Still pretty clueless. He thinks she just proved he's creeper because he would be "sleeping" on a bed (the normal thing to do) instead of hanging out with her.
Girl:	so you sleep...i watch...who cuddles?	Way out of line, clear manipulation. She makes it clear she wants to cuddle. This is clarification about what she is looking for. This is also total opposite of what should be done or said in these sex sting operations. The officer is clearly leading the conversation.
S:	I cuddle	Still clueless or trying to maintain boundaries.
S:	With my pillow	It probably took him a while to catch on to her intentions.
Girl:	i thought you were sleeping silly	
S:	I do that in my sleep, doesnt everyone	This really shows his innocent thinking.
Girl:	ummm no	Not good enough for her. Makes it obvious that she is different. Using manipulation again.

S:	I guess im just a kreeper then...	<i>Being playful, and again backs away.</i>
Girl:	well i hope not...i like you	<i>Clear manipulation. Lures him right back in. Completely out of line. Pushy—coming on to him. Again, this is more clarification of what she is looking for. The officer is clearly stepping outside of boundaries to get what he wants.</i>
S:	Well, the way i see it we have two options. I can get a hotel room or we can just chill in my car	<i>Finally catches and gives in. He gets it that she wants to cuddle and is looking for a hook up. He will not bring her to his place. So, he offers to get a hotel room, so they can “cuddle” like she wants or hang out in his car. Fifth time to try to get her to come out. She’s obviously just going to find someone else to do this with because she’s made it very clear that, that is what she is looking for.</i>
Girl:	hotel room?	<i>Obviously, very interested in the hotel room option. Not interested in hanging out in the car. Manipulating again.</i>
S:	A room in a hotel, yes.	<i>Clarification. More confirmation for him that she is looking to hook up with someone.</i>
S:	But you couldn’t stay over night could you	<i>Truly is this naïve.</i>
Girl:	yeah i will just say i am going to a friends...my mom is tired of me too haha	<i>Suddenly, she is very interested in meeting him now. Finally! He’s figured it out. She will only come meet him if there is going to be cuddling, hooking up, etc. He finally gets her to agree to meet him instead of moving on and finding someone else.</i>
S:	Thats what i had in mind. Cool so you do it then?	<i>Sixth time he tries to get her to come meet him, to keep her from moving on to someone else (especially now that it is very obvious what she is looking for) This girl is clearly putting herself at huge risk.</i>

Girl:	im nervous....you haven't even told me your name silly	<i>She pushed for all that, and now she's pretending like she's not sure, again. Obviously playing games.</i>
S:	Wow youre right. Please excuse me.	<i>Still being sincere.</i>
S:	My name is Sebastian.	<i>Again, being sincere.</i>
Girl:	thanks babe i feel a little better now sry im just really nervous i hope you understand	<i>Now she pushes again. Calling him babe = way out of line. This officer is really playing with the mind of a very vulnerable and naïve young man. Major manipulation.</i>
S:	babe? Oh my	<i>Really surprised that she is calling him babe. More confirmation of what she is looking for. This girl will obviously end up putting herself in a very bad position.</i>
Girl:	hehe sorry	
S:	So whats your name then	
Girl:	Crystal	
S:	Cute name	
Girl:	aww thanks babe	<i>Continues to manipulate, calling him "babe" again. The officer is clearly the one convincing Sebastian, not the other way around, the way it should be to catch a true predator. Who is the real predator here?</i>
S:	Alirght. If youre 100% about this tell me where i can pick you up so i can plan ahead	<i>Seventh attempt to try to get this girl to come out and meet him, to keep her from moving on. He's finally convinced her.</i>
Girl:	not yet silly hehe u havent even told me what we would do duh hehe	<i>The manipulation continues. This is, obviously, still not good enough for her. It's obvious that hanging out socially is not what she wants. Even cuddling and hanging out in a private place is still not enough for her. She wants to make sure she is going to get what she wants. Otherwise, she is not going and will just move on to the next one. The fact is that she is advertising herself to adult men on Craigslist.</i>
S:	Do you really want to know?	<i>He has to step it up for her.</i>
Girl:	yah silly i dont like surprises hehe	<i>She obviously wants details about the hook up she is looking for. After</i>

		<i>all, she has only finally agreed to meet up with him if that is what she will be getting. Otherwise, she is not interested. She's clearly shown plenty of that already.</i>
S:	We would make out on the bed until one of us loses our control to take off their clothes.	<i>He finally gives in, and tells her exactly what she wants to hear.</i>
Girl:	hehe	<i>Now she's amused (consistent with showing the most interested in "bed" and "hotel") Confirmation of what she is looking for. No objections or questions here.</i>
S:	We would do it. Gentle, but firm and passionate. And after that we would shower together and do it again	<i>This is a fantasy for Sebastian (his explanation)</i>
S:	And then do it again on the bed, and then shower again. Rinse and repeat	<i>Fantasy continues.</i>
S:	Does that sound fun?	<i>Checks to see if this is finally good enough for her.</i>
Girl:	hehe sry ive never doen that before	<i>She's been consistently pushing for this. Now she's pretending to be unsure about it. Manipulating again.</i>
S:	Thats ok	<i>Backs off again.</i>
Girl:	u sure babe?	<i>Again, the officer makes sure he lures him right back in. The girl confirms that she wants to do this, but wants to make sure that he does too.</i>
S:	Ive only actually done it once so id love to get more experienced with someone new too	<i>He's being truthful. This whole conversation reveals his lack of experience with relationships and sex.</i>
Girl:	would you wear protection i dont want to get prego	<i>Continues to manipulate. Again, confirms that she is looking for sex. If the officer had said that "the girl" did not want to do any of this, Sebastian's response would have been completely different. He would have never pushed for this. The officer is the one who kept pushing for it and convinced Sebastian, not the other way around, the way it should be, to catch real predators.</i>
S:	Of course. I know how you said you dont want to have kids	<i>Goes along with whatever she wants. Shows that she's already</i>

		<i>made it clear that she is looking for sex.</i>
Girl:	hehe what do you mean by do it? sry babe im just nervous	<i>Wants to hear more sex talk. She's on Craigslist looking to hook up and pretending not to know what "do it" is. Obviously, wants to hear dirty talk.</i>
S:	Relax. You already mentioned protection so you know what i mean	<i>He doesn't get what she's trying to do. She wants more sex talk. Again, Sebastian confirms that she's already made clear what she wants. He's giving in to what she wants. So that she will come out and meet him instead of moving on to someone else.</i>
Girl:	hehe sry babe	
S:	So. If youre ready and willing. I would love to teach sex with you.	<i>Again, this shows his lack of experience with this.</i>
Girl:	hehe ok when?	<i>More confirmation that this is what she was looking for. She's very willing to come meet him now that he's told her what she wanted.</i>
S:	Is tonight ok with you?	<i>Eighth attempt to try to get her to come meet him, to keep her from moving on.</i>
Girl:	yah hehe	<i>Confirmation, this is what she was looking for all along. This is why she is finally agreeing to meet up with him. She would have only found someone else to do this with. This is clearly a very different person and different situation from anything normal or common anyone would ever experience.</i>
S:	Ok lil missy. Where can i pick you up at	<i>Sebastian has a soft spot for people who are different because he, himself is very different from most other people.</i>
Girl:	what time babe	<i>Again, calling him babe; playing with the mind of a very vulnerable and naïve young man. She was clearly the one who came on to him. If this were real, it would be something that is very rare. A real predator would not have fallen for this because he would know that it</i>

		<i>was not real, or he would be turned off by it because it is not the challenge a real predator would be looking for.</i>
S:	Are you in odessa first of all?	
Girl:	midland where would we go	<i>Still not satisfied. Wants to hear more about sex, hooking up, etc.</i>
S:	oh ok, im in midland too, no worries	<i>It completely goes over his head, or he doesn't answer the question because he's already made it very clear and doesn't know how to make it clearer for her.</i>
S:	North west south or east?	
Girl:	north	
S:	Cool. I can show up at around 8	
Girl:	what time do you want to meet i want to make sure im ready i have to shower first hehe	<i>Mentions shower, more than likely, hoping for sex talk or even to get him to request pictures.</i>
S:	Me too. But we could shower together if you want	<i>Playing along. A real pervert/predator would have asked for pictures.</i>
Girl:	where would we go? i want to shower first before we meet hehe then we can shower together later hehe	<i>Still wants to hear more about it even after he has made his best attempts to make everything, she wants to hear, very clear to her. The officer is more than likely hoping Sebastian asks for nude pictures since the girl is going to "shower". Staying consistent with the manipulation; Desperate attempt to get more of what they are desperate to get.</i>
S:	Lets get a hotel tonight. Before we go there we can go to dinner or a movie, whatever you want	<i>The officer's attempt completely goes over his head. Sebastian repeats to her what he has already told her.</i>
Girl:	y dinner and a movie hehe	<i>Disappointed. She is obviously not interested in having a social meeting of any sort. She wants to get straight to the sex. This very clearly is a very different individual. She very clearly needs help. Major manipulation here.</i>
S:	Geez i want to be a gentleman atleast lol	<i>Surprised that she is pushing that hard for it.</i>

Girl:	hehe im sry i thought you were talking about other stuff i am confused	<i>Wants to take it back to sex talk. Again, shows she is someone who is very different and very clearly needs some kind of help. Desperately continues to use manipulation to try to get more of what they want.</i>
S:	We can talk about it when we meet up	<i>He doesn't get what the officer is trying to make him do. Sebastian is talking about how they will talk about the plan of what to do, where to go, etc., when they meet up.</i>
Girl:	oh	<i>Doesn't know how to respond to get more sex talk, like they want. Manipulation here is clearly not working.</i>
S:	Ok, im gonna get ready so i can pick you up. Send me the address	<i>He's only interested in moving forward and saving this girl from moving on to the next person.</i>
Girl:	ur making me nervous babe u told me one thing and now ur changing your mind	<i>Again, desperate attempt to get more sex talk. Why would she be nervous about going out to dinner or a movie, but not about going to a hotel? She's obviously unhappy that they are not going to focus on sex.</i>
S:	You want sex right?	<i>Confirms his thinking. This girl wants sex. He's already told her what she wants. What else does she want now? Did he misunderstand?</i>
Girl:	do u? hehe u said u want dinner and a movie or to do it im so confused babe	<i>Another failed desperate attempt to take it back to sex talk. The girl wants to make sure that she is going to get what she wants, sex. She is clearly not interested in anything else but that.</i>
S:	Yes, I do but im also offering dinner or a movie before hop right into it. Im just being polite	<i>This is very much the sweet Sebastian everyone knows. No one that knows him would be surprised by this at all. He very clearly does want to talk to her. Sebastian does not have an aggressive or even an assertive personality at all. He's a push over.</i>
Girl:	ok babe sry i was just confused	<i>Gives up to keep him engaged and to make sure he is going to show up to give her what she is looking for.</i>

S:	No problem	<i>Accepts her ridiculous behavior and comments.</i>
S:	Try to relax	<i>Tries to comfort her.</i>
Girl:	ok babe im sry can we meet before 8?	<i>Still calling him babe. Again, confirming that she definitely wants to hook up with him. Continues to use manipulation.</i>
S:	Ill try	
Girl:	i have a question babe	<i>Manipulating; Treating him like he's her boyfriend.</i>
S:	Whats up	
Girl:	how will i know it will be u? sry ive just never done this before	<i>Never met up for sex with a stranger before but clearly looking for it now?</i>
S:	i sent you a pic remember	
S:	Also i have a silver two door car	<i>This is true.</i>
Girl:	hehe sry babe i deleted it	<i>Probably hoping for an inappropriate picture</i>
S:	And if you dont believe the guy you see when we meet just call this number	<i>Trying to make her feel comfortable and secure. This is genuine.</i>
S:	Wh	
S:	Ok hold on	
S:	(sends the same picture again; the one he sent earlier)	
Girl:	aww ur so cute babe	<i>Manipulation continues; More confirmation of what she's looking for (a hook up)</i>
S:	You make me blush	
Girl:	hehe	
S:	Ok im almost ready	
Girl:	ok hehe	
S:	Are you ready?	
Girl:	(7:26 PM) sry babe i was telling my mom bye she just left for work	<i>Obviously, still clueless or uncaring of what kind of person he is dealing with. This is shocking to know of someone working in law enforcement doing this type of work. Sebastian is not catching on to these desperate attempts they are using to try to get him to try "to take advantage of this girl."</i>
S:	So youre ready then?	<i>This, of course, also goes right over his head.</i>

Girl:	let me jump in the shower i promise i wont take long	<i>Probably hoping again that Sebastian would ask for inappropriate pics.</i>
S:	Ok, can i get the address at least?	<i>Never catches on to the officer's intentions.</i>
S:	(7:38 PM) Ill wait o_o	
Girl:	sry babe i was in the shower	<i>Poor Cody Allen keeps failing at getting more of what he wants out of Sebastian. It's unbelievable that someone doing this type of work could be that clueless about what kind of person they are dealing with.</i>
S:	I know. Im ready to head out	<i>Still consistently showing that he is clueless about what they are trying to make him do.</i>
Girl:	i live by office depot do u know where that is	
S:	is it an apartment complex?	
Girl:	yeah but i dont want ne one in the complex seeing me so i was going to run down to u when u get here	
S:	Ok np	
Girl:	how long babe?	<i>Still calling him babe and treating him like a boyfriend. This is very inappropriate and wrong for an officer to do and then claim to have caught a predator who was supposedly preying on children.</i>
S:	10 mins	
Girl:	yay hehe	
Girl:	(7:57 PM) (Grinning face with smiling eyes emoji face)	<i>Asshole</i>
S:	I parked next to a tree far left from the office depot building	
Girl:	ok babe i see ya (heart)	
Cody Allen:	test	<i>Incompetent officer finally gets what he wants.</i>

Notice, Sebastian never asked for a picture of the girl. It's very clear his goal is to get this girl to come meet him. Of course, since Cody Allen does not know Sebastian, it's understandable that he would misinterpret or misunderstand a lot of things about Sebastian's true intentions. However, there are very clear indications in this conversation that Cody Allen and Sebastian were on completely different levels (different mindsets) for most of the conversation. If Cody Allen is experienced at doing this, he should

know very well that this conversation was very different than a conversation with a true predator who is looking to take advantage of someone. If he did not pick up on that, then he either really didn't care if he was getting a real predator or not, or he is very clueless about catching predators. Therefore, he should not be someone carrying out an assignment like this.

This is very reckless, irresponsible, and even malicious police work. Why are they looking for predators who supposedly prey on minors on adult sites? Then they hide the fact that they caught these men on adult sites (not looking for minors), and they put out in the media that they caught sexual predators who "were preying on minors". They lied and told the public that their children were being protected from these predators who would just keep doing it again, coming after their children. On top of that, the police create more lies to make these pretend predators they catch to look like real predators who prey on children. Please watch Sebastian's video of the pretend lie detector test he was given by the psychopath officer who created an even bigger lie, to make Sebastian look like the child predator they need him to be, just to get what they want. This even bigger lie they created was used to indict him and will be used to prosecute him. We have been lied to and told that this hard-core video evidence we have of this huge lie that was created by police is not allowed in court. We are not even allowed to mention it.

There has been a great deal of dishonesty in all of this from the very beginning. We have a list of these lies that have been told to us by different people who work in this system. We have been extremely shocked and disappointed to find out about these very dishonest things that are going on in our system and how many people in this system have worked hard to keep these huge lies covered up.

1. What does induce mean to you?

Induce is when someone talks you into doing something, they want you to do.

2. How did the officer induce you?

- 1) He posted an ad on Craigslist, an adult only website, under "casual encounter (no strings attached)". The ad stated that this individual was looking to find someone to get together with that evening. This individual was clearly looking to hook up with someone.*
- 2) When a regular picture of me was sent, the response was "cute", showing approval.*
- 3) Kept asking what we were going to do, repeatedly, even after it had already been made very clear numerous times (go out to eat, go to a movie, play video games, even get a hotel room, since she made it clear she was interested in cuddling and not hanging out in a public place). The officer still continued to press for details about what we were going to do, making it clear that this girl wanted to make sure she was going to be getting what she wanted, a hook up or sexual contact. The officer consistently steered the conversation in this direction and showed little to no interest when the conversation was not about that.*
- 4) The officer acted like a jealous girl and asked if I was talking to other girls.*
- 5) The officer acted like the girl did not know what "hang out" meant. This was very weird and the first clear sign that this person was clearly looking for more than just hanging out, casually. This person clearly wanted to talk about hooking up.*
- 6) Made it very clear that she was not interested in hanging out in a public place by consistently refusing to come out when it involved hanging out at a public place. She made it clear that she wanted to go to a private place and was interested in cuddling. She right away agreed to come out when she felt sure there was going to be sex involved. Then she wanted to hear more about it. This confirmed what she was looking for.*
- 7) She invited herself over to my place, after I made it clear that I did not want to bring her there and suggested that we go out to eat or to a movie. She showed no interest in hanging out in a public place and*

showed great interest in wanting to come over to my place, by steering the conversation back to that and consistently refusing to come out if we were just going to hang out in a public place or do anything that did not involve sexual contact.

- 8) Showed great interest in words like "bed" and "hotel". This was very consistent with the persistence in trying to steer the conversation that way, not agreeing to come out before there was sex talk, and agreeing right away to come out only after there was sex talk (what the girl wanted to hear). The officer kept confirming that this girl was strictly interested in a hook up/sexual contact with someone she would meet on Craigslist.*
- 9) Called me babe numerous times and was treating me like a boyfriend.*
- 10) Any time I backed away, the officer made it clear that the girl wanted to continue the conversation by making comments like "I like talking to you" and asked questions like "Are you sure?" and "Would you wear protection?" Again, confirming this is what she was looking for. This person very obviously looking for a date with someone. She just wanted to first make sure that she was going to get what she wanted/was looking for.*

3. What does solicit mean to you?

Solicit is when someone talks you into doing something for them that they want from you.

4. Have you solicited prostitutes?

I have never tried to talk anyone into having sex with me. I don't hit on girls in person. I was looking for someone who was putting themselves out there and looking for the same thing. I was looking for a mutual agreement with someone because I was looking for that experience. I really believed this was the best way to get it, from someone who was putting themselves out there and looking for the same thing.

5. Why are you guilty?

- 1) Because I continued to talk to this person after she told me her age, and I believed this was really her age. This was a real surprise to me. I didn't*

even think about doing the right thing at that time, reporting her, or at the very least stop talking to her. I was foolish to really believe that she would just move on to the next person, putting herself at great risk. I really believed that she would be better off hanging out with me.

2) Because I gave in and talked about having sex with her.

3) Because I showed up to meet her after telling her we were going to get a hotel room and talked to her about having sex.

6. Why did you masturbate after the chat?

It's what I do on a regular basis in the shower. I took a shower before I went out. I told the officer that my thoughts were more clear after I had masturbated.

7. Did you touch your cousin's breast?

No, this story was made up because the officer would absolutely not accept the real truth about me not ever having had any sexual contact with a minor. He was angry and this is the only thing that made him happy. I said I touched her shoulder. He changed it to touching her breast. I went along with it because I realized this is what finally made him happy. We have this interview on video to prove this.

I really believed they would talk to my cousin and find out that none of this is true, but they never even talked to her about any of this.

8. Did you believe that this person was 13?

She told me she was 14 at first. Then she said she was 13.

I thought she was just being technical and was maybe just a few hours away from turning 14.

I was surprised that someone this age would be looking for a date on craigslist.

September 20, 2018

Lacey Holloman,
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200

Dear Ms. Holloman,

Since I am considered to be just a crazy lady, I figured I might as well live up to the label that has been put on me and show how crazy I can really be. I clearly see now that this is just a game to everybody, and the game you all are playing is at the cost of people's lives. I finally accepted yesterday that I'm just going to have to go along with everybody and just play this game too. The truth is, I don't like playing games. I like honesty, and I like for people to just be straight forward. So, I decided that I would play the game that the people in the justice system like to play, but I am going to play differently. I am going to be completely honest, and I am going to provide you with all of our information. If after knowing all of this about my son, you are able to live with yourself with moving forward with this and doing this to someone like him, you go right ahead and do what you think you need to do. Please don't take this as a threat. I want to be fair here. I want you to be able to make an informed decision about which role you want to play in all this. Sebastian and I have absolutely nothing to hide or be ashamed of. I am very proud to be able to say that. The whole truth about this is going to be exposed. There is already a lot of it out there, and there is a lot more coming. You get to decide who you want to be in all this.

I have always been a big supporter of law enforcement and of our justice system. I myself work for law enforcement. This experience has been very traumatizing for Sebastian and for myself, as well. I really don't like that I no longer trust the police here or our justice system. It's something I am going to have to really work on. I've had to face a very harsh reality here. The truth is that unfortunately we do still very much live in a world where police abuse is still very much a problem, and it is much more common than I had been willing to admit. I'm ashamed of that.

I don't want to overwhelm you. So, I'll try to keep it short because I have included other information that cover a lot of facts about the reality of this situation. Please read carefully through the enclosed information. I am more than willing to talk to you and answer any questions. I'm sure Sebastian would be more than willing as well. I have not told anyone that I am doing this, because I would be discouraged from doing this, and I'm just that crazy lady who just doesn't want to listen to that.

Sincerely,

A handwritten signature in cursive script that reads "Aracely Yates". The signature is written in dark ink and is positioned above the printed name.

Aracely Yates

432-528-4164

1. **On May 18, 2016** – This was the first time Sebastian did this. He was 20 years old. He had the same phone number for about 9 years. He only switched numbers when he returned from Navy boot camp at the end of January 2018. This meeting never happened. Sebastian arrived, but he changed his mind about it. You don't have to believe that at all. I 100% percent believe him because he has not lied about anything else. He has no reason to lie particularly about this one incident. That doesn't make a difference in any of this, overall.
2. **On August 27, 2017** - This was Sebastian's 22nd birthday. I guess it's what he gave himself for his 22nd birthday. It's his first experience with this. This incident occurred a year and 3 months after his first attempt of trying this. Sebastian had just enlisted for the Navy at this time. Pay close attention. This was a transgender prostitute. Sebastian had been struggling with gender identity issues and or sexual orientation. He was exploring that. He's been trying to figure this out since he was a young teenager. It's so sad that we still live in a world where people still think this makes a person a dangerous sex predator.
3. **On November 8, 2017** – He uses vulgar language for the first time in response to being talked to that way. Again, he's exploring and trying to figure things out for himself. This encounter did not happen. He was asked for his credit card information. So, he moved on. (Sebastian had backed out of going into the Navy in September. In late October or early November, he re-enlisted for the Navy reserves. He left for boot camp on 12/18/2017)
4. **On November 16, 2017** – This encounter did not happen. Notice that he requested a picture from this person. Men are visual and want to be attracted to who they are going to be with. This is important because he never requested a picture from the pretend minor. He was not interested at all in what the "girl" looked like.
5. **On December 6, 2017** – There was no encounter because the person asked for money.
6. **On December 13, 2017** – There was no encounter because the price was too high.
7. **On December 14, 2018** – There was no encounter. Again, they were looking for credit card information.
8. **On February 8, 2018** – (Sebastian had just returned home after being unsuccessful at Navy boot camp. This was just a couple of weeks after he was back) There was no encounter here. The other person stopped responding.
9. **On February 14, 2018** – There was no encounter because they requested credit card information.
10. **On February 15, 2018** – It's made clear again that he is soliciting transgender prostitutes. Again, he's exploring this because he's trying to figure himself out.

11. **On February 16, 2018** – Again, he talks dirty in response to sex talk. The person requests credit card information. So, he moves on. Then he comes across the minor. Notice how different this whole conversation goes. He saw 3 different ads with this same phone number. None of them had pictures. He never requested a picture from this person. That's very unusual. Please read the other things I have enclosed to explain the rest of this.
12. My niece's name is not Mia Solis. It's Mia Salinas. If you really believe this story, then you have obviously not watched the entire video of polygraph with the very evil officer who did this to him. Remember, we have this video evidence. The lawyer may not want to use it at trial, but I promise you, we are going to use it to expose this for what it really is.

Case Questions

1. Why did Sebastian continue to talk to the person after he knew or thought the person was a 13-year-old girl? (Actually, initially, he thought she was 14)

- The “girl” posted an ad on Craigslist, an adult only site, with her phone number to be contacted.
- Adult people go on Craigslist to “hook up” or have even sex.
- Sebastian was concerned that she was doing this because she would be attracting what he described in his statement, “someone like me” – someone who is on there looking to hook up with someone else and hoping to have sex. Then he adds to that statement, “but someone worse”. That would be someone who could be capable of hurting this girl and even forcing her into sex and/or someone who would get her into drugs.
 - Sebastian’s difficulties in communication, verbal expression, and social interactions play a role here. There is neurological proof that he has these, and the neurological issues are the cause of these difficulties for him.
 - Sebastian is currently receiving neuro-feedback therapy which will help these parts of his brain develop to where he should be. We are also looking into emotional intelligence training for him to further help him with these issues.
- If Sebastian did not keep this “young girl putting herself at risk” engaged, she would have just moved on to the next person, really putting herself at major risk of harm.
 - Sebastian has been consistent, from the beginning, claiming that the loss of his good friend Hailey played a big part in this. He sees Hailey as someone who got involved with the wrong people, involving hanging out with grown men, which ultimately led to her death, a drug overdose, while hanging out with two older men. You can see Sebastian show emotion about this when he talks about it in his initial statement (in the video).
- She was the only one who responded to him.

- He didn't have any other distractions to go do anything else.
- Like he said in his own words, he was lonely and enjoyed having someone to talk to.

2. Why did Sebastian state that he did not have a bed in his bedroom?

- Because that was the truth. He was not used to having anyone over and hang out in his room. Sebastian is not very social. He just recently began working on becoming more social by hanging out with work friends. Before, this he would just play video games and talk to his online friends, regarding video games.
- Sebastian had just moved in 2 days prior. We were working on getting him a bed.
- It is clear that his thinking is different from most adults' thinking because the officer has to take it to as far as talking about "cuddling", and it still takes Sebastian a while to catch on. The officer makes it clear that "she – the girl" is interested in cuddling. That wasn't even Sebastian's thinking to begin with, and it's clear from his responses.

3. Why did Sebastian suggest that they could get a hotel room?

- Because the "girl" had made it clear that she was interested in cuddling. The comments about the bed and the cuddling led to this.
- Sebastian's goal was to keep her engaged to keep her from moving on to the next person.
- He truly believed that the girl was looking for sex. That is why she was on Craigslist and dropping hints like, "Hang out? What does that mean?" Sebastian has pointed this out from the beginning. He said she kept dropping hints like that, and "Hang out? What does that mean?" Was the first hint he took as that. That should be recorded in jail conversations we had.

4. Why did Sebastian tell the “girl” that he wanted to have sex with her?

- Because it became obvious to him that, that is what she was looking for. She kept dropping hints about it, and she only agreed to meet up with him after he told her the things she wanted to hear. She would not agree to meet up with him before that, when he talked about going out to eat, going to a movie, or playing video games. She kept pushing for more, and she showed the most interest when he mentioned “bed”, “hotel”, etc. She didn’t show much interest when he talked about other things. She even mentioned at some point that she was bored. She only became interested when the sex talk began. All of these things and especially only agreeing to meet up with him after she thought there would be sex, confirmed that it was what she was looking for, and that was the only way to get through to her.
- The “girl” was obviously looking for this because she was on Craigslist, and she was obviously looking for this with an adult man.
- If the “girl” did not think she was going to get it here (from him), she would have only moved on to the next person that she would be getting it from (making it very likely that she was going to come across someone who would be likely to hurt her and/or get her into drugs). Sebastian had true concern because he really was affected by his friend’s death. One of the first things Sebastian said to me after he was arrested was, “This is what I get for being so self-righteous and trying to help someone.” This should be recorded on a jail phone conversation we had. He also mentioned in his statement, “Save a life”. This is real. He has not made any of this up.

5. Why did Sebastian show up to meet the girl?

- Because he told her he would.
- Because he truly did want to help her and wanted to talk to her in person. This is the only way he thought he could get through to her. The girl refused to meet up with him before the sex talk. She kept pushing for that and confirmed this is what she was looking for when she finally agreed to meet with him, after sex was brought up.

- Because he wanted to keep her from moving on to the next person, putting herself at great risk of harm.

6. Why didn't Sebastian tell the "girl" through text what his true intention was?

- Because she obviously did not want to hear that. She had already made very obvious what she wanted, and there was plenty of confirmation there.
- Because the "girl" was likely to ignore him and just move on to the next person. She made very obvious what she was looking for. It was very obvious that she was not satisfied with anything else, but as soon as she heard what she wanted to hear, she immediately agreed to meet up with him.

7. Why did Sebastian say in his interview that he had an urge and thought this girl was his only chance?

- This is why Sebastian was on Craigslist to begin with. He has difficulties establishing relationships. He doesn't hit on females in person because he lacks confidence and the social skills for this. This is why he was on Craigslist. He was looking for someone who was putting themselves out there. He is a young man.
- The "girl" was the only one who responded to him who was real or seemed real. It was not a computer responding, asking for credit card information. He liked having someone to talk to.
- He is vulnerable and naïve. The girl was pushing sex on him, and he was caught at an extremely vulnerable time. The text messages show this was not his initial thinking with her, but because she kept pushing for that, he probably did get sexually excited, which he ended up feeling bad about.
- The officer played with his mind by taking him to sex talk. He probably did actually consider it. After all, he is a young man, who has never had a real girlfriend.
 - Sebastian is not someone who will talk anyone into having sex with him. He doesn't have the confidence or social skills for to

do that. He is someone who would be the one talked into it, like he was in this case.

- He made it clear that he caught himself and was interested in helping this girl. (This is something difficult for some people to believe, but you have to really know him and see it from his perspective to really understand this. He is not lying about this.)
- He states that he realized that what he was doing was wrong (in his video interview). He was giving into a 13-year-old's wish to have sex with him. He states that he thought he could clear up the problem.
 - To help this girl was his intention to begin with. Her (the officer's) push for sex and taking him there distracted him for a bit from that. After he had a shower and "cut loose", he could think more clearly. This is something he has said he does on a daily basis that helps him clear his head. This is not abnormal for a young man. The shower is where he normally does it. I know this because he kept K-Y in the shower.
 - It's just one thing among other things that the police used to turn this into what they wanted it to be, for their own purpose. They liked the idea that he masturbated because they wanted to think that he did this because he got excited about having sex with a 13 year-old, and this makes him look guilty (in their favor). When in fact, he did this because he was in the shower, and this is when he normally does this.

This was clearly entrapment. The police went on an adult only site to prey on vulnerable men for the purpose of pretending to be catching "predators who were preying on minors", to serve their own purpose. They just happened to come across an extremely vulnerable and naïve young man. They played with his mind to get exactly what they wanted, to appear like they had done a great job catching a "dangerous predator who preys on minors". This was completely all created by them. Had they not done this (pretended to be catching predators who prey on minors on adult sites), this would have never happened. Sebastian has never had any personal contact with any

minors, since he's been an adult, even now. He doesn't know any minors, other than his cousins, and he rarely sees them. Sebastian was clearly not targeting minors. They advertised him in the media as a sexual predator who was targeting minors. Sebastian was very fearful when he first got out of jail because of this. He was afraid that people who had believed this lie about him might attempt to hurt him. What the police did here is very wrong, reckless, extremely irresponsible and even malicious. This needs to be stopped. They are very clearly catching innocent people in these traps.

I am his mother, and even though I've known all along that he is innocent because he is very clearly not a predator, it's taken me this long to be able to really put it all together and make complete sense out of it all. It's taken lots of time and effort and a large amount of money to finally get to the point where I finally feel I can see this completely for what it really is and can explain it with certainty that Sebastian is 100% innocent, and the police are 100% responsible for this. Most people are not able to put all the time, energy, and money that we have put into this, and this is what it takes for an innocent person caught in a trap like this to prove their innocence, because the government has made it so difficult for a truly innocent person to prove their innocence when caught in a trap like this. This is very wrong, and something definitely needs to be done about this.

This is also a horrible thing to do to someone so vulnerable and naïve because they were the ones who put the thought in his head about having sex with a minor. It's not something he would have ever come up with on his own.

Due Process

Can the actions of the government be considered to be outrageous in Sebastian's case?

1. The officer posed as a 13-year-old girl on Craigslist, an adult only site, looking to hook up and/or have sex with adult men.
 - a. The officer confirmed that this is what the girl was looking for by leading the conversation to sex talk and confirming that this is what the girl was looking for by only agreeing to meet up if the meeting was going to be sexual in nature.
2. The officer used suggestive language every opportunity he had to turn the conversation sexual.
 - a. S: "Would you like to play some games?" Officer: "what kind of games lol?" (After it was made clear that Sebastian was talking about video games. The officer attempts to change the subject.)
S: Something relaxing? Since you don't seem very experienced to this sort of thing." (Still talking about video games. His limitations in communication due to his neurological issues play a big role here, and the officer attempts to take advantage of this to turn the conversation sexual) Officer: "sort of thing?" S: "Not everyone is good at video games, or has the patience to try to be." (Confirmation that he is still talking about video games.) Officer: "lol what kind of games" S: Have you ever played Zelda" Officer: Nope, what else you got?" S: "I have a switch and I was thinking about picking up a new game. I also have Mario". Officer: "sweet I can ball on some Mario action lol!!"
3. After talking about playing video games, Sebastian asks if the girl wants to hang out.
 - a. Sebastian has never denied that he wanted to meet up with the girl. That was exactly his goal because he saw her as a troubled girl who was putting herself in a very bad position by looking for dates with adult men on Craigslist. His goal was to keep her engaged to keep her from moving on and coming across someone or people who would

be very bad news for her. (The loss of his good friend Hailey plays a very important role here)

- b. This was not sufficient for the “girl”. Officer: “maybe... it depends”.
 - c. Sebastian makes it clear that he wants to continue talking to the “girl” until she is comfortable. (This makes it clear that he is thinking about her and not looking to take advantage of her). He engages her in social conversation. Officer: “I like talking to you so far silly” Sebastian tries to make the conversation about having it be nice to have someone to talk to. Sebastian keeps the conversation social while the officer tries to take it to another level. “oh cool...you be talking to girls all day too??” Sebastian makes it clear that the only other female he has been talking to is his mom. (This shows Sebastian’s innocent thinking). The “girl” makes it clear that she does not want Sebastian to view her as just someone like his mom. Sebastian makes a statement that since he had just met her, she may be in the same category as his mom (a female he has had conversation with). The officer makes it clear that the “girl” is not okay with this. Then the officer makes a statement about not wanting kids. (This is completely off topic)
4. The “girl” makes it clear that she is bored with the social conversation. Officer: “I’m bored again”.
- a. Sebastian, again, attempts to get the girl to meet up with him. S: “Sounds like you need a buddy to hang out with”. Officer: “hang out? what does that mean to?” (This is the first clue Sebastian picked up on that the “girl” was trying to turn the conversation sexual) S: “Yea...like meet up with. Chill. Cut loose. Spend time together with. Synonyms” (Since the “girl” is acting like she doesn’t know what “hang out” means, Sebastian is trying to explain it to her. Remember, he’s already talked about playing video games. The fact that the “girl” supposedly does not understand what he means is ridiculous. She is obviously hinting to something else.) Out of all of the “synonyms” he provided, she chose “cut loose?” and asked that question. His response: “Wow you do need a friend”. He was having a difficult time believing that she would not understand what “hang out” meant. The girl pretends to be offended, but then she states

that she likes talking to him. S: "Then that means were friends". (I can clearly see how an adult guilty mind would see this. However, this is not how Sebastian's mind works, and we now know for sure that there are real reasons for why his thinking is different from most people's thinking. Again, as ridiculous as it may sound to some people, he did have true concern for this girl, and the loss of his good friend Hailey truly did influence this.)

5. The officer then again tries to re-direct the conversation.

a. Officer: "so if I take to risk with my mom and sneak out to meet you, what are we going to do" (Obviously playing video games is not good enough for her) Sebastian says that he doesn't want to bring her to his place because she is a 14-year-old, and he would be questioned about why he is hanging out with a 14-year-old. (Therefore, it's not a good idea to go play video games at his home). Sebastian suggest that they go out to eat. Officer: "who would ask?" Sebastian: "My room mates". Officer: "tell them to go somewhere silly... I def don't want to be around a bunch of dudes I don't know" (What?? Sebastian has made it clear that he doesn't want to bring her there. He suggests they go out to eat (a public place). The "girl" is making it clear that she wants to come to his place.) Sebastian makes it clear that one of his roommates is home, and that is the reason why he will not bring her over.

b. Sebastian makes a comment about not having a bed in his room. The officer loves this and jumps right on that. Sebastian's true concern is that his room does not look like a normal room. He has not had anyone over. Sebastian had just moved in. He had been sleeping on the floor because he did not yet have a bed. He was more than likely embarrassed about living arrangements that were not common. He was warning her ahead of time, just in case she did come over. This, again, shows Sebastian's very innocent thinking. However, the officer loved it as an opportunity to turn it into what he wanted it to be to serve their own (the police) purpose. The officer, again, is unsuccessful at taking this opportunity to turn the conversation sexual. Sebastian's responses are very obvious that he is oblivious to what is going on.

- c. The officer has to take it to as far as mentioning an interest in cuddling, and it still takes Sebastian a while to catch on.
 - d. The officer comes on stronger: "i like you". Sebastian interprets this as the "girl" is looking for more than just hanging out. He suggests that they can get a hotel room or just hang out in his car. The girl shows great interest in the idea of getting a hotel room. Again, confirming that she is looking for more than just hanging out at a public place. (Sebastian has stated that this was brought up because the girl had made it clear that she was interested in cuddling. She would not agree to meeting up before this.) The "girl" makes it clear at this point that she is in. She says she is going to tell her mom that she is going to a friend's. (She would not agree to meet up to play video games or to go out to eat at a public place, but she was very willing, right away, to go once hotel room was mentioned.)
 - e. The "girl" then calls Sebastian "babe". Sebastian is surprised by this. S: "babe? Oh my" (This is further confirmation that the "girl" is pushing for a sexual encounter.)
 - f. However, this is still not good enough for the "girl". She wants details about what they would do before she agrees to go. Officer: "not yet silly hehe u haven't told me what we would do duh hehe". At this point, Sebastian takes it further to tell her things he thinks she wants to hear. His goal is to get her to meet up with him, because he truly believes he can keep her from moving on and looking for this with others who would be a danger to her. The "girl" has already refused to meet up with him at least 3 different times. Playing video games was not good enough. Going out to eat was not good enough. Cuddling was not enough. She wanted more.
6. The "girl" finally only agrees to meet up after it is made clear that the meet will be sexual in nature.
- a. The girl even mentions "protection". She says she does not want to get "prego". (More confirmation that this is what it took to finally get her to agree to meet up)
 - b. The "girl" makes it clear that she wants to hear more about it. Officer: "hehe what do u mean by do it? Sry babe im just nervous".

Sebastian makes it clear that she mentioned protection. So, she very obviously knows very well what is being talked about.

7. After the sex talk Sebastian asks the girl for the fourth time if they can meet up.
 - a. Again, he's checking to see if this is good enough for her to finally agree to meet up with him, which was his intention from the beginning because he saw her as a troubled girl looking for dates with adult men on Craigslist. (Again, Hailey's death plays a very important role here because this was the main influence for Sebastian's actions. This was the main issue that made him particularly vulnerable for falling for this trap. Hailey was on the promiscuous side because she had a history of abuse. Sebastian was aware of this because Hailey shared that information with him. Hailey is also the only person Sebastian had sexual contact with as a teenager.)
8. Sebastian takes the conversation back to hanging out at a public place. He says they can go to dinner or a movie, whichever she would prefer. The girl questions why they would go to a public place. (Again, confirming that she is not interested in hanging out in a public place. Her main interest is going to the hotel room.)
 - a. Sebastian tells her that he wants to be a gentleman. The "girl" claims to be confused because she thought they were talking about sex, and now Sebastian is talking about dinner or a movie. (The officer is trying to re-direct the conversation to sexual talk.) Sebastian does not fall for this again and just tells her that they can talk about it when they meet up. (Again, staying focused on his goal from the beginning. Sebastian wanted to meet up with this girl to talk to her and hoped to get through to her. Sex was what she was looking for. It is not what Sebastian was looking for with her.)
 - b. The officer makes another attempt to go back to the sex talk. Officer: "ur making me nervous babe u told me one thing and now ur changing ur mind". Sebastian makes it clear that he has told her what she wants to hear. S: "You want sex right?" The "girl" wants to hear it again and make sure that there will be sex involved. Officer: "do u? hehe u said u want dinner and a movie or do it im so confused babe".

(How much more ridiculous can you get than this?) Sebastian, again pushes for going to a public place. S: "Yes I do, but im also offering dinner or a movie before hop right into it. Im just being polite. (He was clearly wanting to hang out at a public place to talk to the girl, but the girl was working against this.) Once, the officer realized that he was not going to get more than this, he settled. They (the police) later felt the need to work very hard to create things/come up with stuff (create lies) to make Sebastian look guilty to serve their purpose.

Were the police actions outrageous in creating all of this for the purpose of convicting Sebastian to make it look like they had caught a dangerous individual who preys on minors? This purpose serves them only (and no one else) in being able to continue to receive funds (it's all about the money) to supposedly continue to catch sex predators who prey on minors. It also serves their own purpose in looking like they are heroes who caught a predator and saved people (minors) from this predator. The point is that it was 100% all created by them for their own selfish purpose, and they have protected zero people in all this. The fact they lied and put out in the media that these men (Sebastian) was a predator who was targeting minors says a lot about their true intentions.

The most obvious thing about their outrageous behavior to accomplish their goal is the use of the officer who conducted the lie detector test. You cannot get much more outrageous than that. No need to explain any of that. The video evidence very clearly shows their true intentions. Furthermore, the police took other statements Sebastian made (during his initial statement) and turned them into what they wanted them to be to serve their own purpose. The point is that they wanted for Sebastian to be what they needed him to be to serve their own purpose, and they took anything and everything they could to turn it into that. The fact that the police had to go out of their way to create this case is outrageous and shows their true intentions, which is extremely dishonest and corrupt police work.

Sebastian is currently addressing his medical issues by detoxifying his body with the recommended supplements. Some of the supplements, he will stay on for the rest of his life, to maintain his health.

He is also currently attending neuro-feedback therapy sessions with a local licensed professional counselor. We will also use this counselor to address the struggle he has had with gender identity/sexual orientation. At this point, Sebastian thinks that it was a mental health issue he had. He really thinks he is past that and that he does not want to be a female after all. However, I fully recognize that he will still need professional help to fully address this, and that is what we are in the process of arranging. I've only been able to fully put all of this together after reading the new information that you provided on Tuesday (the text messages where he is soliciting transgender prostitutes).

We are also looking for emotional intelligence training/classes for him to help him with the social difficulties he has had because of the effect of his neurological issues. (Please see enclosed neurological report to understand this)

We are working really hard to address all of his issues, medical, neurological, emotional, psychological, etc.

If none of this means anything to you. That's ok. I just felt the need to put it out there.

Lawlis Peavey PsychoNeuroPlasticity Center



Quantitative Electroencephalography (QEEG) Summary Report

EEG Tracings

Posterior dominant 10 Hz activity of 20-80 mV is noted with intrusion into the temporal lobes. This intrusion appears to enter the ear reference at times, causing alpha contamination artifact. Alpha attenuates slightly upon eyes opening, and attenuates more during reading. Other activity of note includes slow bursts (eyes closed epochs 11, 142; eyes open epochs 80, 93, 185, 236, 308, 363, 373, 414). A mu rhythm is also noted. The eyes closed recording contains EMG artifact in site T4 and shows drowsiness. The eyes open and recording records contain EMG artifact in most frontal and temporal sites.

Conclusions and Recommendations

This QEEG shows the following strengths:

1. A relatively low theta-to-beta ratio of 1.5:1. This QEEG does not show the pattern typically associated with ADHD, which is elevated fronto-central theta and an elevated theta-to-beta ratio. An elevated theta-to-beta ratio is about 90% accurate in identifying ADHD.
2. Good quality and appropriate frequency of alpha with some attenuation upon eyes opening. Quality of the alpha rhythm and its attenuation upon eyes opening has to do with regulation of the brain - whether its activation levels are appropriate or not. If alpha does not attenuate with eyes opening, then the brain may be under-activated. Alpha is an indicator of the brain's ability to self-regulate and can be thought of as the brain's ability to relax and disengage when necessary. Lack of alpha rhythm is often seen with anxiety or familial alcoholism, while poorly developed alpha can be related to general under-arousal of the brain.
3. During reading, alpha attenuates more as compared to eyes open at rest. This indicates the brain is activating at some level during this task.
4. A good amount of activity in low beta. This frequency of beta is important for cognitive processing and focus.

This QEEG shows the following significant (challenge) patterns:

1. Sharp and slow paroxysmal activity. This activity was evaluated by a neurologist and judged to be epileptiform (see additional report). This activity is likely causing moments during which no information is perceived or processed. This may appear as blank looks, staring spells, or attention deficits. It may also be related to mood swings.
2. Vertex activity. Vertex elevations may be associated with perseverative disorders and symptoms such as obsessions, compulsions, reactive

attachment disorders, and oppositional defiant disorders. Subjective reports typically include getting stuck on a thought or behavior without resolve, or having a perfectionistic personality.

3. A prominent mu rhythm of alpha. Although this pattern can be seen in normal QEEGs, it has also been associated with frontal lobe dysregulation. Social difficulties and learning problems may also exist, due to the link between mu and mirror neurons, which play a role in understanding the actions of others, empathy, and learning through modeling.
4. Alpha intrusion into the temporal lobes. This pattern may be associated with difficulties in auditory processing, memory, emotional understanding, or social interactions.
5. Posterior slowing. Slowing in the posterior region may be related to learning disabilities, sensory integration problems, or difficulty with integration of other information.
6. Diffuse slowing in the 1-4 Hz range of delta. Diffuse slowing can be related to toxicity, nutrition or metabolic deficits, encephalopathy, or medication effects. Subjective reports may include feeling sluggish, spacey, or in a fog.

If EEG biofeedback treatment (Neurotherapy) is sought, the following protocols are recommended:

1. To address vertex activity, posterior slowing, and diffuse slowing, inhibit 1-7 Hz at site FZ for the first half of the session, and at site PZ for the last half of the session. Alternatively, FZ and PZ may be trained simultaneously using two separate channels of EEG. An inhibition of 21-30 Hz should be used with this to prevent EMG artifact and fast frequency beta.
2. To further address vertex activity and diffuse slowing, inhibit 1-7 Hz at site CZ. An inhibition of 21-30 Hz should be used with this to prevent EMG artifact and fast frequency beta.
3. To address temporal lobe alpha intrusion, inhibit 8-12 Hz at sites T5 and T6. An inhibition of 21-30 Hz should be used with this as well to prevent EMG artifact and fast frequency beta. Temporal lobes can be very sensitive to training, so symptoms should be monitored closely for any negative reactions (e.g., irritability, sleep difficulties).

Respectfully Submitted,



Alicia L. Townsend, Ph.D.

Lawlis Peavey PsychoNeuroPlasticity Center



571 W. Main Street, Suite 210

Lewisville, TX 75057

972-434-5454

www.lawlispeavey.com

NAME: SEBASTIAN ZAPATA

DATES OF TESTING: MAY 16-17, 2018

TESTS ADMINISTERED

Quantitative Electroencephalograph (QEEG)

QEEG Analysis

Neurologist Consultation

Biofeedback Psychophysiological Profile Assessment (PPA)

Stress Signal Checklist

Medical:

Review

Craniosacral Evaluation

Metabolic Analysis

Omega Quant

MTHFR Mutation

Recommendations

Wechsler Adult Intelligence Scale (WAIS-IV)

Woodcock-Johnson Tests of Achievement-3rd Edition (WJ III)

Bender Visual-Motor Gestalt Test, 2nd Edition (BVMGT-II)

Tests of Variable Attention – Combined Visual and Auditory (T.O.V.A.)

Behavioral Vision Screening

Brain System Checklist

Individual Interview

Enneagram Brief Form

PsychEval Personality Questionnaire (PEPQ)

Beck Depression Inventory-II (BDI-II)

Beck Anxiety Inventory (BAI)

Parent Interview

Childhood Autism Rating Scale (CARS)

TOOLS PRESENTED DURING ASSESSMENT

BAUD

EmWave

Biofeedback Starter Skills

Barbara S. Peavey, PhD, M.S. PsyPharm, BCIAC
Co-Director/CEO of the PNP Center

Brandon Bonds, D.C.
Medical Staff of the PNP Center

Lawlis Peavey PsychoNeuroPlasticity Center



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GAME PLAN For SEBASTIAN ZAPATA

The Game Plan designed by the PsychoNeuroPlasticity (PNP) Center is the result of evaluation of Sebastian's STRENGTHS and CHALLENGES with strategies and suggestions for SKILL enhancement and development. Strengths and challenges were assessed in a variety of areas including neurological, psychophysiological, medical, intelligence and continuous performance, and psychological testing and feedback. A Team Meeting was held to review the findings of the assessments, integrate them and determine a course of action or Game Plan for Sebastian.

DISCUSSION OF RESULTS

Strengths found on Sebastian's QEEG include a relatively low theta-to-beta ratio of 1.5:1. He does not show the pattern typically associated with ADHD. In addition, the results of the Visual portion of his TOVA test of continuous performance were congruent for the absence of ADHD. His QEEG also shows a good amount of low beta brainwave activity. This frequency of beta activity is important for cognitive processing and focus. Further his QEEG shows a good quality and appropriate frequency of the alpha brainwave rhythm which attenuates when he opens his eyes. This is an indication of his brain's ability to self-regulate, relaxing and disengaging as is necessary for proper brain regulation. Also, during the reading task, the alpha pattern attenuates more as compared to the eyes-open at-rest task, which is important for proper brain functioning.

The significant brainwave pattern of challenge found on Sebastian's QEEG is that of sharp paroxysmal activity. This activity was evaluated by a neurologist and deemed to be abnormal with multifocal epileptiform activity at mid frontal, right frontopolar, right frontal, mid central, left anterior temporal, and mid parietal brain regions (see additional J. Walker, M.D., neurologist report). This activity is likely causing moments during which no information is perceived or processed. This may appear as blank looks, staring spells, or attention deficits. It may also relate to oppositional defiant behavior, verbal expression, emotional expression, judgment, working memory, coordination in the legs, cognitive processing, and vision.

A prominent mu rhythm of alpha is also noted on Sebastian's QEEG. Although this pattern can be seen in normal QEEGs, it has also been associated with frontal lobe

dysregulation. Social difficulties and learning problems may also exist, due to the link between mu and mirror neurons, which play a role in understanding the actions of others, empathy, and learning through modeling.

Sebastian's QEEG indicates alpha intrusion into the temporal lobes. This pattern may be associated with difficulties in auditory processing, memory, emotional understanding, or social interactions.

Sebastian's QEEG shows vertex activity. Vertex elevations may be associated with perseverative disorders and symptoms such as obsessions, compulsions, reactive attachment disorders, and oppositional defiant disorders. Subjective reports typically include getting stuck on a thought or behavior without resolve, or having a perfectionistic personality.

Posterior slowing is seen in Sebastian's QEEG. Slowing in the posterior region may be related to learning disabilities, sensory integration problems, or difficulty with integration of other information. His behavioral vision screening by the PNP Center indicated the need for a behavioral vision evaluation by an optometrist specializing in developmental or behavioral vision. A behavioral vision challenge can explain, at least in part, the finding of posterior slowing.

Sebastian's QEEG also shows diffuse slowing in the 1-4 Hz range of delta. Diffuse slowing can be related to toxicity, nutrition or metabolic deficits, encephalopathy, or medication effects. Subjective reports may include feeling sluggish, spacey, or in a fog.

Results of the Biofeedback Psychophysiological Assessment (PPA) indicate Sebastian holds long-term muscle bracing in his face, head, neck, and shoulders. Additionally, Sebastian demonstrates heightened autonomic arousal associated with his stress symptoms of feeling hurried, chills, restlessness, and listlessness. Based on the results of the Biofeedback PPA, Sebastian would benefit from relaxation training both through formal biofeedback training with a certified therapist as well through structured at home practice. Easy, diaphragmatic breathing was seen to be helpful during the initial assessment at the PNP Center for Sebastian. It is recommended he continue such practice. Continued use of BAUD on the "C" setting to help with self-calming is also recommended. Other suggestions are given below and in the section on Biofeedback in the Final Report.

Results of Sebastian's intellectual testing indicated he has an overall IQ in the "Average" range of functioning (FSIQ=106). Upon closer examination of the subscales of his intelligence testing revealed that his Verbal Comprehension (VCI=102) was in the "Average" range and his Perceptual Reasoning (PRI=115) skills were in the "High Average" range. His Working Memory (WMI=86) was in the "Low Average" range and his Processing Speed (PSI=114) skills were in the "High Average" range of functioning.

Based on his performance on the WJ-III, his Academic Skills; Ability to Apply Academic Skills and English Oral Language Skills were "Average." His Fluency with Academic Tasks was "Average." When compared to others at his age level, Sebastian's performance was "Average" in Broad Reading and Mathematics; "Low

Average" in Math Calculation Skills and Written Language; and "Low" in Written Expression. Comparing his IQ scores with his academic performance scores he qualifies for a Specific Learning Disability with Impairment in Written Expression (DSM 5: f81.81) and is therefore entitled to academic services under Federal Law.

Also, Sebastian's cognitive attentional scores on the TOVA test of continuous performance was "within normal limits" for both Visual and Auditory stimuli.

Sebastian is a highly creative, inquisitive, and friendly young man who is having difficulties with depression, anxiety, attention, social interactions, independent living skills, and establishing career direction. Results of the PNP Center assessment give cause and direction for Sebastian's presenting concerns.

Integrating the results of Sebastian's QEEG finds a brain-basis for many of his presenting concerns. One initial primary concern is addressing the finding of multifocal epileptiform activity, which is pre-seizure-like. The location of this sharp wave discharges determines the behavioral and cognitive disruptions likely to be seen. Because Sebastian's epileptiform activity brain locations are: mid frontal, right frontopolar, right frontal, mid central, left anterior temporal, and mid parietal challenges may be experienced or seen with oppositional defiant behavior, verbal expression, emotional expression, judgment, working memory, coordination in the legs, cognitive processing, and vision. Going forward, brain health measures of detoxing the brain, nourishing the brain and training the brain are important. Steps to accomplish brain health goals are listed below and in the Cognitive and Psychology sections of the Final Report.

Additionally, there is a brain-basis for Sebastian's difficulties with social interaction, including behaviors of: picking up on social cues and responding appropriately, social communication, and emotional understanding. Looking at Sebastian's QEEG finds *mu alpha* activity associated with difficulties picking and responding appropriately to social cues of another person, what is termed "emotional reciprocity". The *temporal alpha* dysregulated brain pattern can produce difficulties with social interaction and emotional understanding. Sebastian may feel easily overwhelmed in new, novel, or overstimulating events, activities or situations due to the *posterior slowing* and its connection with sensory integration difficulties. *Vertex elevations* are also found on Sebastian's QEEG and are associated with obsessive thinking and/or compulsive behaviors. Going forward, to reregulate dysfunctional brainwave activity, treatment of choice is neurofeedback. For Sebastian, participating in social skills class, along with self-help recommendations provided in the Psychology section are important.

Sebastian's depression has genetic underpinnings. Looking at the results of his MTHFR test finds a 30% gene mutation, indicating a deficit in his capacity to manufacture the brain's neurotransmitters related to mood management; those of serotonin, dopamine, and norepinephrine due to decreased capacity to methylate folate. Treatment of MTHFR deficiency is to supplement with sufficient oral methyl folate to facilitate production of these neurotransmitters. (See MTHFR in the Medical section for treatment protocol.)

A summary of recommendations for Sebastian is given below with more specific information provided in the individual sections of the Final Report.

GAME PLAN FOR CHANGE AND SKILL DEVELOPMENT

BRAIN HEALTH

- Participate in EEG-Neurotherapy to address the significant epileptiform activity noted on his QEEG assessment along with other dysregulated brainwave activity inferring with Sebastian's cognitive and emotional well-being. (See QEEG and Dr. Walker report for detailed neurofeedback training protocols). It is important to find a neurotherapist who is BCIA certified and capable of working with epileptiform activity (www.bcia.org)
- Share Dr. Walker's report with all your physicians, so medications which lower seizure threshold can be avoided. Also, advise future physicians to not prescribe medications which may lower seizure threshold.
- Follow a Ketogenic or Modified Ketogenic diet. This diet is a special high-fat, low-carbohydrate diet that helps to control to resolve epileptiform activity in some individuals.
- Practice coherent breathing with the *emWave* for 20 minutes twice a day to balance the autonomic nervous system and maximize cognitive function. (See www.heartmath.org for more information.)
- Establish a regular abdominal breath pattern of 6-10 BPM to help calm neuro-irritability. Calm, even breath patterns at or around 6.0 BPM provide stabilization for irritable cortex brain patterns, like epileptiform activity.
- Supplement with Omega 3 fatty acids of 2.1-4.0 gr/day. Pharmacy grade omega 3 including: Metagenics, Nordic Naturals, and Cooper Complete. (See Medical section for protocol.)
- Avoid foods, drinks, and gum/candy containing aspartame and monosodium glutamate.
- Drink plenty of water each day. Rule of thumb is water intake equaling half one's weight in ounces,
- Sufficient sleep each night with a minimum of 7.5 hours.
- Advise physicians to not prescribe you medications which may lower seizure threshold.

A list of BCIA Certified professionals in your area are listed as an Appendix. The designation of "BCN" indicates a professional certified to do neurotherapy/neurofeedback

MEDICAL

- Based on the results of the **Metabolic Analysis:**
 - Supplement with:
 - O.N.E. Multivitamin (Pure): Take 1 capsule AM for 90 days followed by a good multiple vitamin
 - B-Complex Plus (Pure): Take 1 capsule AM for 90 days
 - UltraFlora Balance Probiotics (Metagenics): Take one (1) capsule AM and PM daily for 30 days. Then rotate monthly with probiotics containing *Bifidophilus* and *Acidophilus* with greater than one billion count. (See attached Probiotics Guidelines Sheet.)
- *Recheck with MA test kit 90 days after beginning the recommendations (test kit available from the PNP Center).*

- Results of the **MTHFR Mutation Test** are positive with approximately 30% decreased level of enzyme activity.
 - Share report with primary care physician.
 - Start with Xymogen's Methyl Protect (1) capsule in the morning with food for 30 days. Evaluate its effectiveness on your depressive feelings. If depression is improved, continue with Methyl Protect.
 - If, after 30 days, you do not see the improvement in depression desired, notify your point person and begin to take Methyl Protect (1) capsule in the morning with food and (1) capsule at noon with food.
 - *Evidence indicates that your 30% decrease level will respond well to Methyl Protect. It is important to take it every day, as you have genetic underpinnings for your depression requiring outside support of methylated folic acid.*
- Based on the results of the **Omega Quant** of 5.83%:
 - Supplement with:
 1. OmegaGenics EPA-DHA 720 (Metagenics): (1) gel capsule AM and PM with food for 90 days
 2. Mega 10 (Metagenics): (1) gel capsule with food PM for 90 days
 - Increase intake of foods rich in Omega-3 fatty acids (see report for list of foods rich in Omega-3).
 - Avoid foods containing trans fats (see report for additional details).
- *Retest with Omega Quant test after 3-4 months of increasing Omega-3 fatty acids (Test kit available from the PNP Center).*
- Obtain a vitamin D level during a physician visit. Vitamin D is important in many ways. Cognitive process and mood management have been linked to brain inflammation. Adequate Vitamin D levels are necessary to maintain a healthy immune system at the level of the brain.

. BEHAVIORAL VISION

- Participate in a behavioral vision evaluation with an optometrist specializing in behavioral vision.

. Continued use of the BAUD.

- Use "C" setting for calming.
- Use "F" setting for focusing.

. BIOFEEDBACK

- Learn biofeedback skills to be able to self-calm.*
- Continued practice of abdominal breathing.

*Specific areas of development are listed in the PPA section of this report. A list of BCIA Certified professionals in your area are listed as an Appendix. The designation of "BCB" indicates a professional certified in biofeedback training.

. SLEEP

- Obtain 7.5 to 9.0 hours of sleep per night.
- Increase foods such as oats, meat, fish, bananas, peanuts, and turkey.
- Include in a bedtime ritual one or more of the following:
 1. Listening to the BAUD on "C" setting with easy, abdominal breathing.
 2. Abdominal breathing (15-20 minutes) while listening to quiet music (no words).
 3. Drink warm milk or "Sleepytime" tea (Celestial Seasonings) prior to bed.
 4. Listen to relaxing instrumental (no words) music.
 5. Listen to PNP Breathing Meditation and Heart Rhythm CDs.
- Finish homework (mental work) in the afternoon rather than the evening prior to getting ready for bed.
- Stop playing video games at least one hour prior to bedtime.
- Watch only relaxing television shows during the evening.

. DIET

- Begin a Ketogenic diet or Modified Ketogenic diet as this type diet has been shown to be medically beneficial to persons with seizure-like activity (see Appendix).
- A diet higher in protein is recommended. The major source of protein includes lean meats (chicken, turkey and fish), eggs, low fat cheeses, nuts, peanut butter and beans. Protein is best mixed with a healthy portion of vegetables. *Begin each day with a breakfast containing protein and no sugar.* The ideal breakfast is an omelet with lean meat and low fat cheese. Beginning each day with a protein breakfast is best for effective neurological function. An ideal lunch is tuna, chicken or fresh fish with mixed vegetables. Snack might be peanut butter and banana (or all fruit jelly). The ideal dinner contains vegetables, some fruit, minimal carbohydrates, such as potatoes and breads, combined with lean meat. Eliminating simple sugars such as candy, cakes, ice cream and pastries is important. Carbohydrates that have already been broken down into sugar (such as pasta, bread, rice, and potatoes) will have a positive impact on energy level and cognition, but should be ingested in moderation.
- Avoid sugar and dyes.
- If artificial sugars are used, avoiding foods or drinks containing aspartame (NutraSweet) is highly recommended.
- Many fast food items have monosodium glutamate (MSG). Avoiding fast foods which contain MSG is highly recommended.
- Complete an Elimination Diet for: Sugar (Corn and Cane). (See protocol end of Medical section).
- Complete a "10-Day Food Mood" diary to further determine the possible presence of food sensitivities which can negatively affect mood, cognition, and emotions (see Appendix).

. WATER

Increase your water intake. Water intake rule of thumb is one half one's weight in ounces. Currently, you drink 128 ounces of water a day. Water balance is

important in maintaining the brain's neurotransmitters, including serotonin, necessary for mood management.

EXERCISE

- Continue regular daily exercise.
- Walking and swimming are excellent forms of exercise and should be continued.
- Martial arts and yoga will help with exercise and stress management.

PSYCHOLOGY SUMMARY

- See Psychology Section for full summary and recommendations.
- Learn self-calming and other relaxation skills. (See Biofeedback PPA section).
- Participate in neurofeedback training to reregulate dysfunctional brainwave activity.
- Your depression has a genetic basis as a predominant factor. The results of your MTHFR (see Medical section) indicate need to supplementation of methylated folic acid to improve production of neurotransmitters related to mood management; those of serotonin, norepinephrine, and dopamine. A nutritional supplement meeting the basic criteria is Xymogen's Methyl Protect.
- Continue to participate in enjoyable experiences to help build your self-esteem. For instance, pursue hobbies and special interests that focus on activities that you do well.

EDUCATIONAL SUMMARY

- See Academic Testing Report for full summary and recommendations.
- Qualifies for a Specific Learning Disability with Impairment in Written Expression (DSM 5: f81.81) and is, therefore, entitled to academic services under Federal Law.
- Follow your Daily Brain Enlivening Schedule to improve your brain function and cognitive abilities.
- Participate in EEG-Neurotherapy to address the significant dysregulated brain activity (see QEEG with supplemental neurologist report).
- Obtain a behavioral vision evaluation.

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STATE OF TEXAS

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IN THE DISTRICT COURT

VS.

OF

SEBASTIAN ZAPATA

MIDLAND COUNTY, TEXAS

SEBASTIAN ZAPATA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY
DEPUTY

MOTION FOR SUBSTITUTION OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, and moves the Court to enter an order substituting Thomas S. Morgan, as Defendant's attorney of record in place of Edward Shelby, and in support of this Motion shows:

I

Defendant, SEBASTIAN ZAPATA, has retained Thomas S. Morgan to represent him in this action. Thomas S. Morgan has accepted the employment, and will be replacing Edward Shelby, Defendant's attorney of record.

II

There is sufficient time before trial for substitution of counsel and no injustice, prejudice, or obstruction of the orderly administration of justice will be caused by the granting of this Motion.

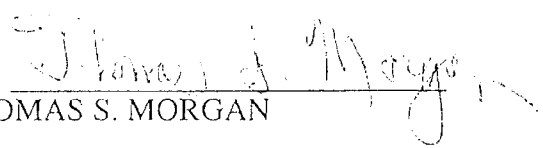
WHEREFORE, the Defendant, SEBASTIAN ZAPATA, prays this Court grant this Motion and Order that Thomas S. Morgan be substituted for Edward Shelby as attorney of record.

RECEIVED
JUL 27 2018
DISTRICT CLERK

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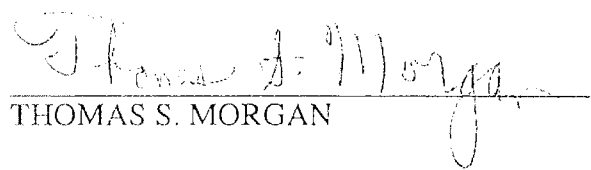
Respectfully submitted,

THOMAS S. MORGAN
ATTORNEY AT LAW
1902 W. ILLINOIS
MIDLAND, TEXAS 79701
(432) 683-2703
(432) 684-7314 FAX NUMBER
STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

BY: 
THOMAS S. MORGAN

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 27 day of July 2018, a true and correct copy of the foregoing Motion For Substitution of Counsel was delivered via mail to Edward Shelby, 610 E. Industrial Avenue, Midland, Texas 79701; and, hand delivered to the Midland District Attorney, 500 N. Loraine, Midland, Texas 79701.


THOMAS S. MORGAN

Copy

CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

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§

IN THE DISTRICT COURT

OF

MIDLAND COUNTY, TEXAS

ORDER GRANTING SUBSTITUTION OF COUNSEL

On this the _____ day of _____, 2018, came on to be considered Defendant's Motion For Substitution of Counsel. The Court after considering such Motion, finds that it should be granted in all things.

IT IS THEREFORE ORDERED that Edward Shelby, be and is hereby replaced as the attorney of record for the Defendant, SEBASTIAN ZAPATA, by Thomas S. Morgan.

SIGNED on this the _____ day of _____, 2018.

JUDGE PRESIDING

Copy

May 4, 2018

Judge Leonard
Midland County Courthouse
500 N. Lorraine St, 3rd Floor
Midland, TX 79701

FILED

2018 MAY -8 PM 2:19

FILED
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY Shelbie Hunter DEPUTY

Re: Requested for a different appointed attorney for my son Sebastian Zapata.

My name is Aracely Yates. I am writing to you to request a different appointed attorney for my son, Sebastian Zapata. The current appointed attorney is Wayne Frost. I have filed a grievance against him with the State Bar of Texas due to his unprofessionalism and unethical behaviors.

To begin with, Mr. Frost does not return phone calls. I know someone else who has used him in the past, and she had the same experience with him. It was very difficult just to get an appointment with him. I called several times for a couple of weeks, leaving a message each time. I even showed up to his office on a Thursday afternoon, around 1:30 PM, and his office door was locked with the lights off. I finally received a call back from his secretary after the Dr. Phil show reached out to them. The Dr. Phil show had asked us for a police report, and for other complicated reasons, involving dishonesty, we are not able to get a police report about this incident. I was told that the report can only be reviewed with the attorney. Mr. Frost has refused to allow Sebastian to view the police report to confirm that everything on it are in fact things that really happened. At this point, I am very concerned because there has been so much dishonesty involved in all of this process.

Mr. Frost does not seem one bit interested in doing his job. We have only had one appointment with him. That was on March 12th of this year. We have not been able to get any other appointments with him. I had to show up at his office with information in writing for him, just to get through to him. I did that right before Sebastian's arraignment. We have never even heard from Mr. Frost or his office about anything that is going on. I am the one that has to keep trying to check with them about things, but they never respond. Phone calls and messages are not returned.

I was very shocked and upset by Mr. Frost's disgustingly unprofessional behavior at my son's pretrial hearing. He is a shameless liar, and there is something very wrong with him. No doubt about it.

First of all, Sebastian and I showed up clueless about everything. We did not even know where we were supposed to be because no one told us where to go. I only knew to go to the courthouse at 10:45 AM on May 4th, because we got that in writing at Sebastian's arraignment. When we arrived, I asked at the front where to go. We were sent to the District Attorney's office. So, we went there. They did not know what to tell us. We were finally able to figure it out that it was the 8th floor where we were supposed to be. Why would this information be kept from us? Mr. Frost had not even talked to Sebastian since the arraignment. I called his office several times over 2 weeks before, requesting an appointment. He apparently called my cell phone once. I missed his call, and apparently, he was not able to leave a voicemail. He never even bothered to call Sebastian's phone. We made sure that Mr. Frost had Sebastian's correct phone number, at the one and only appointment we have ever had with him, especially because he claimed to have the wrong address for Sebastian and had mailed the affidavit to the wrong address. There was no reason for him to have the wrong address, other than he is that careless (incompetent), or he did it on purpose. I had previously confirmed with the Attorney General

19
Copies to:
Holloman
Frost

Aracely Yates
5309 Dunraven Ct
Midland, TX 79707

that they had the correct address for Sebastian. I also confirmed it again (with the Attorney General) after this incident. Mr. Frost either lied to us when he told us that this was address that was given to him by the Attorney General's office, or he is that careless and incompetent.

On top of that, Mr. Frost said that he had gone to the jail to meet with Sebastian. I had been leaving messages for him for over 2 weeks about setting up an appointment to meet with Sebastian and I. There is no reason for why he would have thought Sebastian was still sitting in jail. It was very clear that Sebastian was out, and we were now looking for an appointment to meet with him. He went looking for Sebastian at the jail, after I had left all those messages. It makes no sense at all.

Secondly, once we finally got the appointment, we went in, and we witnessed some very unprofessional behavior from him. He had a client that had an appointment right before us. Mr. Frost met with this client with his door wide open for us to hear everything. Mr. Frost is very rude and has a very ugly attitude. He was horrible to this client. After about ten minutes, Mr. Frost kicked out the client and called us in. Mr. Frost kept ignoring the client's questions. Then he stood there and argued with the client with us standing right next to them.

He was then rude to us too, and he also met with us with his door wide open, for everyone else in the office and anyone else that walked in to hear. He basically asked us what we wanted. I was surprised that he would not know why we were there. I started off with something like, "Well you were appointed to Sebastian." His response was basically—Yeah, I know that, now what? I asked about the police report. We were there to review the police report and go over the facts about the case. He did not care to do any of it. It was very difficult to even ask any questions because he would not allow us to get any in. He just rambled, and basically told Sebastian he was in big trouble and that was it. He quoted Texas criminal procedure code 39.14 and said that it would be a criminal offense to provide us with the police report. My understanding is that Sebastian has the right to view that report. Why is he denying this?

Before Sebastian's arraignment last month, I provided Mr. Frost with some things in writing. I am certain that Sebastian has an Autism Spectrum Disorder. He is being evaluated this month by a top-notch place, to get a formal diagnosis. I have included a copy of that information with this letter. We had not talked to Mr. Frost at all until the day of the arraignment. He basically just told us that the next meeting was on May 4th. I asked if it would be there at the courthouse, he said yes but on a different floor. I talked about Sebastian's upcoming evaluation. I told him we would make Sebastian's medical records available to him by having Sebastian sign a release for Mr. Frost to access them. Mr. Frost declined and said for me just to bring them to him. Then he made it clear that the information I had provided him with was no help at all.

We had not had any contact at all with Mr. Frost until May 4th at the pretrial hearing. Mr. Frost completely ignored us when we arrived, just like he had at the arraignment. I was very shocked when Sebastian's turn came. When asked if there had been an offer made, Mr. Frost responded yes. We had no idea about any of this. Sebastian was just hearing it for the first time, and he had no idea what was going on. Mr. Frost tried to whisper something in Sebastian's ear, but Sebastian said he did not understand what Mr. Frost was saying. Then the offer was read to him. Sebastian was asked if he understood the offer. I saw Mr. Frost tell Sebastian to say yes. Sebastian did understand it, and he did agree that he understood it. The offer of course was declined.

As we walked out of the courtroom, I asked Mr. Frost about the offer and why he had not made us aware of this before. Mr. Frost (more than likely lied) saying that the offer had just then been made right there, when they went up to talk to the judge. Would that be right? There was no offer made prior to this time? It was just right there that the offer had come up for the first time? That is exactly how he explained it, and there was even another one of his clients (with his wife) standing right next to Mr. Frost, the whole time while this conversation went on. Mr. Frost then went on to let me know that he had called my phone and had not been able to leave a message. I let Mr. Frost know that I had returned his call, less than hour after the missed call, and I left a voice message for him. I never received a call back. Mr. Frost just kept blaming me and repeating that I would have known if he had been able to leave a message for me. I then told Mr. Frost that we needed an appointment for Sebastian to review the police report. Mr. Frost blatantly lied and said that we had already done that at the appointment we had with him, and that we had even reviewed the text messages. I told Mr. Frost that he had never done any of that. He became very upset. He told me he was not going to argue with me. Then he told me that he did not need to talk to me because I was not his client, Sebastian is. This does not add up with the fact that he has not once called Sebastian's phone.

There is something clearly very wrong with this man. He is not one bit interested in doing his job. He is not interested in hearing anything that has to do with defending the client, which is what he is supposed to be doing. He lies shamelessly. He gets defensive when confronted with the truth, and he gets very angry very easily. The other client's wife whispered to me that Mr. Frost had done this to her husband as well. Sebastian and I witnessed him doing it to another client at the one and only appointment we ever got. My friend who has used him in past also confirmed that Mr. Frost is very unorganized and difficult to get a hold of. I'm sorry, he just does not seem competent to be anybody's lawyer.

May Sebastian please be appointed a different attorney for his case?

Thank you for listening,

A handwritten signature in cursive script that reads "Aracely Yates". The signature is written in dark ink and is positioned above the printed name.

Aracely Yates

432-528-4164

NO. CR51328

FILED

2018 MAR 23 PM 4:28
ALEX ARCHULETA

ROSS BUSH, DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY KOURTNEY LESLEY DEPUTY

THE STATE OF TEXAS

* IN THE DISTRICT COURT

v.

* 238th JUDICIAL DISTRICT

SEBASTIAN ALEXANDER ZAPATA

* MIDLAND COUNTY, TEXAS

Bond: 50,000.⁰⁰

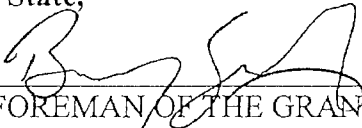
Offense: COUNT 1 - ONLINE SOLICITATION OF A MINOR UNDER 14 - F118067

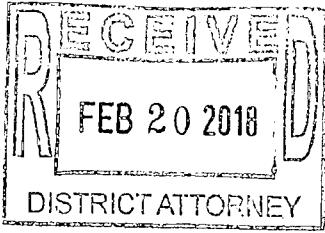
INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY for the County of Midland, State of Texas, duly selected, impaneled, sworn, charged and organized as such by the 238th JUDICIAL DISTRICT COURT for the said County at the January Term, A.D. 2018 of the said Court, upon their oaths present in and to said Court that SEBASTIAN ALEXANDER ZAPATA, hereinafter styled Defendant, on or about 16th day of February, 2018, and before the presentment of this indictment, in the County and State aforesaid, did then and there, over the internet and by electronic mail and by text message and by an electronic message service or system and through a commercial online service, knowingly solicit CODY ALLEN to meet another person, to wit: SEBASTIAN ALEXANDER ZAPATA, with the intent that CODY ALLEN would engage in sexual contact with the said SEBASTIAN ALEXANDER ZAPATA and the said CODY ALLEN was then and there a person whom the said SEBASTIAN ALEXANDER ZAPATA believed to be younger than 14 years of age, a minor, at the time of the commission of the said offense,

Against the peace and dignity of the State,


FOREMAN OF THE GRAND JURY



A18-01078

COMMITMENT

Case Number: F118067

THE STATE OF TEXAS

TO THE SHERIFF OF MIDLAND COUNTY, GREETINGS:

You are directed to receive and place in the jail of your County, the Defendant,

ZAPATA, SEBASTIAN ALEXANDER

The said DEFENDANT is committed to jail by my order, sitting as a Magistrate to answer the State of Texas before the:

XXXX DISTRICT COURT

of Midland, County, Texas, at its next term, to be held in and for said Midland County, at the Courthouse thereof, in Midland, Texas for the charge of:

ONLINE SOLICITATION OF A MINOR-F2

And you will safely keep the said DEFENDANT to await the order of said Court.

Bail has been granted to the said DEFENDANT in the sum of \$ 50,000

WITNESS my official signature this the 17th day of February, 2018

ORIGINAL SIGNED BY
TERRY M. LUCK
JUSTICE OF THE PEACE



**Terry M. Luck, Magistrate, Presiding
Justice of the Peace, Pct. 1
Midland County, Texas**

Law Enforcement Agency: **MPD OLVERA**
Date of Arrest: **02-16-2018**
Time of Arrest: **11:58 PM**
Place of Arrest: **2326 W LOOP 250 N**

Court #: **Justice of the Peace Pct 1**
County/State: **Midland County, Texas**
Cause / Warrant #: **F118067**
Amount of Bond: \$ 50,000

MAGISTRATE'S WARNING / FELONY

THE STATE OF TEXAS

ZAPATA, SEBASTIAN ALEXANDER

I, the undersigned magistrate, hereby certify that the defendant in this cause appeared before me in Midland County, Texas, at the below mentioned time and date, and at that time I informed the defendant of the accusation against him and of the affidavit filed in support of such accusation; and having determined that there is probable cause to believe that the defendant committed the crime alleged in this cause, I gave him/her the following warning and explained the defendant's rights:

- ☒ You are charged with the offense of **ONLINE SOLICITATION OF A MINOR-F2**
- ☒ You have a right to hire an attorney to represent you.
- ☒ You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- ☒ You have the right to remain silent.
- ☒ You are not required to make a statement, and any statement you make can and may be used against you in court.
- ☒ You have the right to stop any interview or questioning at any time.
- ☒ You have the right to have an examining trial (felonies only).
- ☒ You have the right to request appointment of counsel if you cannot afford counsel. *

THE MAGISTRATE SHALL ENSURE THAT THE PERSON IS INFORMED OF THE FOLLOWING PROCEDURES:

- a. That an application for a court appointed attorney must be completed to determine if he/she qualifies for a court appointed attorney;
- b. That an Affidavit will be completed today, if needed
- c. That a financial affidavit must be signed;
- d. That an affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
- e. That if he/she meets indigence standards he/she will qualify for court appointed attorney; and,
- f. Attorney should attempt to contact him/her by the end of the 3rd working day after appointment and to interview him/her as soon as practicable after appointment. If appointment is made when the accused is before the court, the accused will be given the attorney's name, address, and phone number.

If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials?

☐ No. ☐ Yes.

If you responded "YES," what country? _____

If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

THE ACCUSED DOES / DOES NOT WANT TO REQUEST COURT APPOINTED ATTORNEY.
Circle One

I acknowledge that I was given the above warning (This is NOT an admission of guilt):



Person warned

Accused refused to sign acknowledgement of warning:

Magistrate



SIGNED BY
TERRY M. LUCK
JUSTICE OF THE PEACE
TERRY M. LUCK, Magistrate, Presiding

Place of warning: Midland County Jail / Other _____

17th day of February 2018/
DATE

Witness (if any):

Name: _____

Address: _____

TIME 3:22p

This hearing was interpreted by: _____

(Name of Interpreter)

☐ REFUSED TO SIGN

FELONY COMPLAINT

OFFENSE: Online Solicitation of a Minor, 2nd Degree Felony 33.021 PC

J.P. #: F118064

DATE: 2.17.18

BOND: \$ 50,000

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared affiant, who after being by me first duly sworn, says on or about the 16th day of February, A.D. 2018 and before the making and filing of this complaint, in the County of Midland, State of Texas,

Sebastian Alexander Zapata, hispanic/male, DOB: [REDACTED],
black hair, brown eyes, 5' 09", 175 lbs,
TX DL#: [REDACTED], SS#: [REDACTED],

did then and there intentionally and knowingly over the Internet, by electronic mail or text message or other electronic message service or system or through a commercial online service knowingly solicits a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person, against the peace and dignity of the State.

RJA

AFFIANT

Sworn to and subscribed before me by affiant, a credible person, on this the 17 day of Feb, A.D. 2018

Terry W. Luck
JUSTICE OF THE PEACE
Midland County, Texas



TERRY W. LUCK
Justice of the Peace, Pct. 1

Time Filed: 2:15 P

Phone Examination Preview Report Properties

Selected Manufacturer:	LG CDMA
Selected Model:	VS835 Stylo 2
Detected Manufacturer:	lge
Detected Model:	VS835
Revision:	7.0 NRD90U 172201021f1b7
ESN:	355866074652376
MDN:	4322157617
ICCID:	89148000003702629689
IMSI:	311480376853258
Phone Date/Time:	16/02/2018 21:56:25 (GMT-6)
Connection Type:	USB Cable
UFED Version:	Product Version: 6.4.1.599 , Internal Build: 4.7.500.599 UFED
UFED S/N:	5924517

Note: This device is using client in order to communicate with UFED

For complete analysis and advanced reporting, open in UFED Physical/Logical Analyzer.

Phone SMS - Text Messages

[Back to index](#)

SMS MD5 Hash: 34F147D23D4AA8F78B1D4CC9BBDAF7C7

#	Number	Name	Date & Time	SMSC	Status	Földer	Storage	Type	Text
---	--------	------	-------------	------	--------	--------	---------	------	------

66	+		07/02/2018 11:16:12 (GMT-6)						
67			07/02/2018 11:17:21 (GMT-6)						
68			07/02/2018 11:29:28 (GMT-6)						
69			07/02/2018 11:56:57 (GMT-6)						
70			07/02/2018 11:57:04 (GMT-6)						
71			07/02/2018 11:57:28 (GMT-6)						
72			07/02/2018 11:57:40 (GMT-6)						
73			07/02/2018 11:57:50 (GMT-6)						
74			07/02/2018 18:08:47 (GMT-6)						
75			08/02/2018 08:02:12 (GMT-6)						
76			08/02/2018 08:17:02 (GMT-6)						
77			08/02/2018 08:18:13 (GMT-6)						
78			08/02/2018 08:19:53 (GMT-6)						
79			08/02/2018 08:20:35 (GMT-6)						
80			08/02/2018 11:00:48 (GMT-6)						
81			08/02/2018 11:00:55 (GMT-6)						
82			08/02/2018 11:04:53 (GMT-6)						
83	+19562248671	N/A	08/02/2018 15:22:57 (GMT-6)		Sent	Sent	Phone	Outgoing	Yo
84	+19562248671	N/A	08/02/2018 15:25:12 (GMT-6)		Read	Inbox	Phone	Incoming	Hi
85	+19562248671	N/A	08/02/2018 15:26:41 (GMT-6)		Sent	Sent	Phone	Outgoing	How're you

86	+19562248671	N/A	08/02/2018 15:27:51 (GMT-6)		Sent	Sent	Phone	Outgoing	Doing great. Are you looking for companionship?
87	+19562248671	N/A	08/02/2018 15:28:40 (GMT-6)		Sent	Sent	Phone	Outgoing	If i said i was interested would that be a yes?
88	+19562248671	N/A	08/02/2018 15:29:28 (GMT-6)		Read	Inbox	Phone	Incoming	I'm good and you
89	+19562248671	N/A	08/02/2018 15:29:29 (GMT-6)		Read	Inbox	Phone	Incoming	I'm good and you
90	+19562248671	N/A	08/02/2018 15:31:24 (GMT-6)		Read	Inbox	Phone	Incoming	Maybe
91	+19562248671	N/A	08/02/2018 15:52:54 (GMT-6)		Sent	Sent	Phone	Outgoing	Guess not
92			08/02/2018 17:57:45 (GMT-6)						
93			08/02/2018 18:12:31 (GMT-6)						
94	+19569092562	N/A	08/02/2018 20:51:13 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello
95	+19569092562	N/A	08/02/2018 20:53:30 (GMT-6)		Read	Inbox	Phone	Incoming	Hello
96	+19569092562	N/A	08/02/2018 20:53:42 (GMT-6)		Sent	Sent	Phone	Outgoing	You busy?
97	+18067781581	N/A	08/02/2018 20:55:19 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello
98	+19569092562	N/A	08/02/2018 20:55:56 (GMT-6)		Read	Inbox	Phone	Incoming	Not really whu?
99	+19569092562	N/A	08/02/2018 20:56:43 (GMT-6)		Sent	Sent	Phone	Outgoing	Nop.
100	+18067781581	N/A	08/02/2018 20:57:19 (GMT-6)		Read	Inbox	Phone	Incoming	What city are you in?
101	+18067781581	N/A	08/02/2018 20:57:35 (GMT-6)		Sent	Sent	Phone	Outgoing	Midland
102	+18067781581	N/A	08/02/2018 20:57:45 (GMT-6)		Read	Inbox	Phone	Incoming	How old r u
103	+18067781581	N/A	08/02/2018 20:57:54 (GMT-6)		Sent	Sent	Phone	Outgoing	22
104	+18067781581	N/A	08/02/2018 20:58:28 (GMT-6)		Read	Inbox	Phone	Incoming	What time did you want to come by?
105	+18067781581	N/A	08/02/2018 20:58:54 (GMT-6)		Sent	Sent	Phone	Outgoing	Are you busy tonight? I could go for 10

106	+18067781581	N/A	08/02/2018 21:02:11 (GMT-6)		Read	Inbox	Phone	Incoming	Donation for time & companionship is 200 regular service. I also offer VIP for just 300.
107	+18067781581	N/A	08/02/2018 21:02:38 (GMT-6)		Sent	Sent	Phone	Outgoing	Whew.. What exactly is VIP?
108	+18067781581	N/A	08/02/2018 21:02:59 (GMT-6)		Read	Inbox	Phone	Incoming	For security reasons I do not speak about any or part of the services. But I'm willing to talk about it in person before we begin.
109	+18067781581	N/A	08/02/2018 21:04:21 (GMT-6)		Sent	Sent	Phone	Outgoing	Right... Can you tell me at least if youre north,south, etc. Part of midland?
110	+18067781581	N/A	08/02/2018 21:05:03 (GMT-6)		Read	Inbox	Phone	Incoming	West
111	+18067781581	N/A	08/02/2018 21:06:38 (GMT-6)		Sent	Sent	Phone	Outgoing	Give me a moment. I may need to push this back to 11
112	+19569092562	N/A	08/02/2018 21:18:09 (GMT-6)		Sent	Sent	Phone	Outgoing	I guess youre busy now
113	+18067781581	N/A	08/02/2018 21:22:01 (GMT-6)		Sent	Sent	Phone	Outgoing	So, i just want to say that i want to be the bottom when we meet up but i have no experience for that. Is that ok?..
114	+18067781581	N/A	08/02/2018 21:32:15 (GMT-6)		Read	Inbox	Phone	Incoming	For security reasons I do not speak about any or part of the services. But I'm willing to talk about it in person before we begin.
115	+18067781581	N/A	08/02/2018 21:32:17 (GMT-6)		Read	Inbox	Phone	Incoming	For security reasons I do not speak about any or part of the services. But I'm willing to talk about it in person before we begin.
116	+18067781581	N/A	08/02/2018 21:43:44 (GMT-6)		Sent	Sent	Phone	Outgoing	Ill take that as a yes.
117	+18067781581	N/A	08/02/2018 21:58:48 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok ill be there in about 45 mins
118	+18067781581	N/A	08/02/2018 22:24:36 (GMT-6)		Sent	Sent	Phone	Outgoing	Im ready. I just need the address
119	+18067781581	N/A	08/02/2018 22:41:26 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello?
120	+18067781581	N/A	08/02/2018 23:08:38 (GMT-6)		Sent	Sent	Phone	Outgoing	No?..
121			09/02/2018 08:17:51 (GMT-6)						
122			09/02/2018 08:17:59 (GMT-6)						
123			09/02/2018 12:04:53 (GMT-6)						
124			09/02/2018 12:04:58 (GMT-6)						
125			09/02/2018 12:06:21 (GMT-6)						

165			11/02/2018 20:17:24 (GMT-6)						
166			11/02/2018 21:16:27 (GMT-6)						
167			11/02/2018 21:16:35 (GMT-6)						
168			11/02/2018 21:17:19 (GMT-6)						
169			12/02/2018 17:00:45 (GMT-6)						
170			13/02/2018 13:05:14 (GMT-6)						
171			14/02/2018 16:11:31 (GMT-6)						
172			14/02/2018 16:11:50 (GMT-6)						
173			14/02/2018 16:11:55 (GMT-6)						
174			14/02/2018 16:12:08 (GMT-6)						
175			14/02/2018 17:24:59 (GMT-6)						
176			14/02/2018 17:26:24 (GMT-6)						
177	+18329463510	N/A	14/02/2018 19:43:43 (GMT-6)		Sent	Sent	Phone	Outgoing	22 hisp Sebastian Going to school for a teachers degree next semester Midland tx
178	+19292153791	N/A	14/02/2018 19:46:28 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello
179			14/02/2018 19:58:52 (GMT-6)						
180			14/02/2018 19:59:10 (GMT-6)						
181			14/02/2018 19:59:35 (GMT-6)						
182			14/02/2018 19:59:55 (GMT-6)						
183			14/02/2018 20:00:42 (GMT-6)						
184	+19174027302	N/A	14/02/2018 20:02:31 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello

185	+19032197965	N/A	14/02/2018 20:13:46 (GMT-6)		Sent	Sent	Phone	Outgoing	Yo
186	+19725251268	N/A	14/02/2018 20:16:50 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello
187	+19725251268	N/A	14/02/2018 21:15:40 (GMT-6)		Read	Inbox	Phone	Incoming	Hey babe are you looking for a incall -- Sent from FreeTone
188	+19725251268	N/A	14/02/2018 21:27:34 (GMT-6)		Sent	Sent	Phone	Outgoing	Yes
189	+15128884494	N/A	14/02/2018 21:31:08 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello
190	+19725251268	N/A	14/02/2018 21:35:08 (GMT-6)		Read	Inbox	Phone	Incoming	How long do u want to come -- Sent from FreeTone
191	+19725251268	N/A	14/02/2018 21:37:40 (GMT-6)		Sent	Sent	Phone	Outgoing	30ish mins
192	+19725251268	N/A	14/02/2018 21:39:49 (GMT-6)		Read	Inbox	Phone	Incoming	Can u do 160 -- Sent from FreeTone
193	+19725251268	N/A	14/02/2018 21:40:10 (GMT-6)		Sent	Sent	Phone	Outgoing	How much for an hour?
194	+19725251268	N/A	14/02/2018 21:40:55 (GMT-6)		Read	Inbox	Phone	Incoming	240 -- Sent from FreeTone
195	+19725251268	N/A	14/02/2018 21:41:45 (GMT-6)		Sent	Sent	Phone	Outgoing	And are you odessa?
196	+19725251268	N/A	14/02/2018 21:47:14 (GMT-6)		Read	Inbox	Phone	Incoming	Yes -- Sent from FreeTone
197			15/02/2018 14:48:25 (GMT-6)						
198			15/02/2018 14:54:47 (GMT-6)						
199			15/02/2018 15:32:09 (GMT-6)						
200	+19293100100	N/A	15/02/2018 17:29:52 (GMT-6)		Sent	Sent	Phone	Outgoing	Hello. Im not experienced when it comes to tgirls and im interested in being a bottom. Can you help me with that
201	+19293100100	N/A	15/02/2018 17:31:15 (GMT-6)		Read	Inbox	Phone	Incoming	250
202	+19293100100	N/A	15/02/2018 17:31:49 (GMT-6)		Sent	Sent	Phone	Outgoing	Wew, let me consider it
203			15/02/2018 18:06:13 (GMT-6)						
204			15/02/2018 18:10:32 (GMT-6)						

205			15/02/2018 18:11:17 (GMT-6)						
206	+12697870073	N/A	16/02/2018 03:23:32 (GMT-6)		Sent	Sent	Phone	Outgoing	Yo, saw your ad
207	+12697870073	N/A	16/02/2018 03:24:08 (GMT-6)		Read	Inbox	Phone	Incoming	heey, are u from CL?
208	+12697870073	N/A	16/02/2018 03:24:37 (GMT-6)		Sent	Sent	Phone	Outgoing	Yup. I live around midland.
209	+12697870073	N/A	16/02/2018 03:25:16 (GMT-6)		Read	Inbox	Phone	Incoming	well i live in Florida but i'm here in the area visiting fam
210	+12697870073	N/A	16/02/2018 03:26:46 (GMT-6)		Sent	Sent	Phone	Outgoing	Ooh. So are you in the midland area or are you in odessa
211	+12697870073	N/A	16/02/2018 03:27:18 (GMT-6)		Read	Inbox	Phone	Incoming	sweet ;) ... miy real name is brianna.. and who might you be??
212	+12697870073	N/A	16/02/2018 03:27:36 (GMT-6)		Sent	Sent	Phone	Outgoing	Im sebastian
213	+12697870073	N/A	16/02/2018 03:28:12 (GMT-6)		Read	Inbox	Phone	Incoming	are you on craigs list a lot??
214	+12697870073	N/A	16/02/2018 03:29:01 (GMT-6)		Sent	Sent	Phone	Outgoing	Yes... Ive been searching for awhile now but everyone i try to contact is either a bot or a dude in disguise
215	+12697870073	N/A	16/02/2018 03:29:31 (GMT-6)		Read	Inbox	Phone	Incoming	ugggh no i'm not are u???? lolz
216	+12697870073	N/A	16/02/2018 03:30:07 (GMT-6)		Sent	Sent	Phone	Outgoing	If i was i would of sent you a link to give me your credit card info by now
217	+12697870073	N/A	16/02/2018 03:30:46 (GMT-6)		Read	Inbox	Phone	Incoming	yea thats to verify age but it doesnt charge you anything.
218	+12697870073	N/A	16/02/2018 03:31:29 (GMT-6)		Sent	Sent	Phone	Outgoing	Really?? It sounds too sketchy for me. Oh well
219	+12697870073	N/A	16/02/2018 03:32:01 (GMT-6)		Read	Inbox	Phone	Incoming	lol its not sketchy, your actually kinda sketchy
220	+12697870073	N/A	16/02/2018 03:32:33 (GMT-6)		Sent	Sent	Phone	Outgoing	Yea im a dude looking for sex on craigslist. Lol
221	+12697870073	N/A	16/02/2018 03:33:05 (GMT-6)		Read	Inbox	Phone	Incoming	dude? I mean, i have a wet vagina and not a penis if that makes u feel better
222	+12697870073	N/A	16/02/2018 03:34:08 (GMT-6)		Sent	Sent	Phone	Outgoing	Thats awesome. Want to see my penis?
223	+12697870073	N/A	16/02/2018 03:34:42 (GMT-6)		Read	Inbox	Phone	Incoming	haha.. so u married? to be honest i am married.. just lettin ya know ..but he is been week in the sheet if u get wat i mean haha
224	+12697870073	N/A	16/02/2018 03:35:56 (GMT-6)		Sent	Sent	Phone	Outgoing	Poor lad. Im not married, but i dont mind if youre married.

225	+12697870073	N/A	16/02/2018 03:36:35 (GMT-6)		Read	Inbox	Phone	Incoming	We have to be hush hush about this, and play flirty have to find honest people too... so can i trust you mr?? ;)
226	+12697870073	N/A	16/02/2018 03:37:18 (GMT-6)		Sent	Sent	Phone	Outgoing	You have my word madam
227	+12697870073	N/A	16/02/2018 03:38:01 (GMT-6)		Read	Inbox	Phone	Incoming	soo.. heres a pic of me from a few days ago
228	+12697870073	N/A	16/02/2018 03:38:20 (GMT-6)		Sent	Sent	Phone	Outgoing	Oooo
229	+12697870073	N/A	16/02/2018 03:38:48 (GMT-6)		Sent	Sent	Phone	Outgoing	Delicious brown
230	+12697870073	N/A	16/02/2018 03:39:01 (GMT-6)		Read	Inbox	Phone	Incoming	9Round Fitness is where I workout at about two to three days a wk, i have a sxy lil body :p
231	+12697870073	N/A	16/02/2018 03:39:46 (GMT-6)		Sent	Sent	Phone	Outgoing	Niice. Your hard work really paid off
232	+12697870073	N/A	16/02/2018 03:40:20 (GMT-6)		Read	Inbox	Phone	Incoming	imma freaky sex monsta by the way;).. lmao my bad if that isn't lady like
233	+12697870073	N/A	16/02/2018 03:41:40 (GMT-6)		Sent	Sent	Phone	Outgoing	That is more than what i can ask for. I want to get so nasty that we hit it in bed and then shower together and do it there too. And then hit the bed again. Rinse and repeat
234	+12697870073	N/A	16/02/2018 03:42:12 (GMT-6)		Read	Inbox	Phone	Incoming	come fuck me hard on my bed...
235	+12697870073	N/A	16/02/2018 03:42:50 (GMT-6)		Sent	Sent	Phone	Outgoing	Yes ma'am. Where do you want to meet
236	+12697870073	N/A	16/02/2018 03:43:27 (GMT-6)		Read	Inbox	Phone	Incoming	can i trust you with showing a little more skin??
237	+12697870073	N/A	16/02/2018 03:43:56 (GMT-6)		Sent	Sent	Phone	Outgoing	This is just between you and me babe
238	+12697870073	N/A	16/02/2018 03:44:33 (GMT-6)		Read	Inbox	Phone	Incoming	lol okay
239	+12697870073	N/A	16/02/2018 03:44:59 (GMT-6)		Sent	Sent	Phone	Outgoing	🙄
240	+12697870073	N/A	16/02/2018 03:45:39 (GMT-6)		Read	Inbox	Phone	Incoming	YES they are real lol.. so Sebastian i would like to maybe link and play around - only safe ..so u'd be alright with wearin a rubber
241	+12697870073	N/A	16/02/2018 03:45:46 (GMT-6)		Read	Inbox	Phone	Incoming	lol
242	+12697870073	N/A	16/02/2018 03:46:06 (GMT-6)		Sent	Sent	Phone	Outgoing	Naturally
243	+12697870073	N/A	16/02/2018 03:46:39 (GMT-6)		Read	Inbox	Phone	Incoming	i am only in Odessa for another night or two i'm here with fam for the weekend and i'd like to mess around a little :p if your down
244	+12697870073	N/A	16/02/2018 03:46:44 (GMT-6)		Read	Inbox	Phone	Incoming	for it :p

245	+12697870073	N/A	16/02/2018 03:47:43 (GMT-6)		Sent	Sent	Phone	Outgoing	Please
246	+12697870073	N/A	16/02/2018 03:48:20 (GMT-6)		Read	Inbox	Phone	Incoming	okie, so you on isafedating?
247	+12697870073	N/A	16/02/2018 03:49:45 (GMT-6)		Sent	Sent	Phone	Outgoing	Never mind ill just fap tonigh then
248	+12697870073	N/A	16/02/2018 03:50:26 (GMT-6)		Read	Inbox	Phone	Incoming	my page is http://localsafehoo kups.com/verified this site just does a easy check to be sure you're not some kind dangerous guy or
249	+12697870073	N/A	16/02/2018 03:50:31 (GMT-6)		Read	Inbox	Phone	Incoming	anything haha
250	+12697870073	N/A	16/02/2018 03:51:54 (GMT-6)		Sent	Sent	Phone	Outgoing	"Verify my age" You maybe real but youre just as souless as all those other bots
251	+12697870073	N/A	16/02/2018 03:52:26 (GMT-6)		Read	Inbox	Phone	Incoming	lol i'm real but my tits arent :)
252	+12697870073	N/A	16/02/2018 04:00:19 (GMT-6)		Read	Inbox	Phone	Incoming	still there?
253			16/02/2018 09:11:59 (GMT-6)						
254			16/02/2018 12:41:17 (GMT-6)						
255			16/02/2018 12:42:33 (GMT-6)						
256			16/02/2018 12:43:16 (GMT-6)						
257	+14326062302	N/A	16/02/2018 14:51:53 (GMT-6)		Sent	Sent	Phone	Outgoing	Yo
258	+14326062302	N/A	16/02/2018 15:47:36 (GMT-6)		Read	Inbox	Phone	Incoming	hey
259	+14326062302	N/A	16/02/2018 16:37:51 (GMT-6)		Sent	Sent	Phone	Outgoing	I saw ypur craigslist ad. Are you busy today
260	+14326062302	N/A	16/02/2018 16:40:41 (GMT-6)		Read	Inbox	Phone	Incoming	how old are you?
261	+14326062302	N/A	16/02/2018 16:40:53 (GMT-6)		Sent	Sent	Phone	Outgoing	22
262	+14326062302	N/A	16/02/2018 16:41:46 (GMT-6)		Read	Inbox	Phone	Incoming	oh i am worried I am too young 4 u
263	+14326062302	N/A	16/02/2018 16:43:00 (GMT-6)		Sent	Sent	Phone	Outgoing	Age doesnt bother me. Unless you were like 60 i guess . _.
264	+14326062302	N/A	16/02/2018 16:44:14 (GMT-6)		Read	Inbox	Phone	Incoming	def not 60 lol

265	+14326062302	N/A	16/02/2018 16:45:32 (GMT-6)		Sent	Sent	Phone	Outgoing	Well if you aint bothered by my age then i wont be bothered by yours
266	+14326062302	N/A	16/02/2018 16:47:16 (GMT-6)		Read	Inbox	Phone	Incoming	im almost 14 but look a lot older
267	+14326062302	N/A	16/02/2018 16:50:19 (GMT-6)		Sent	Sent	Phone	Outgoing	Wew. I dont think craigslist is where you want to find your dates at your age, but again. I dont mind if you dont mind. What did you want to do tonight
268	+14326062302	N/A	16/02/2018 16:52:30 (GMT-6)		Read	Inbox	Phone	Incoming	idk, i havent really hung out with older guys much, what would you want to do?
269	+14326062302	N/A	16/02/2018 16:54:48 (GMT-6)		Sent	Sent	Phone	Outgoing	Im a boring fellow in my opinion but if youd like i could take you to a movie and maybe have dinner afterwards if thats cool enough with you. What happens after that is up to us
270	+14326062302	N/A	16/02/2018 16:56:36 (GMT-6)		Sent	Sent	Phone	Outgoing	Fairly recent
271	+14326062302	N/A	16/02/2018 16:57:35 (GMT-6)		Read	Inbox	Phone	Incoming	cute
272	+14326062302	N/A	16/02/2018 16:58:10 (GMT-6)		Sent	Sent	Phone	Outgoing	If you say so ☺
273	+14326062302	N/A	16/02/2018 16:58:26 (GMT-6)		Read	Inbox	Phone	Incoming	i do
274	+14326062302	N/A	16/02/2018 16:58:39 (GMT-6)		Sent	Sent	Phone	Outgoing	So, what do you say
275	+14326062302	N/A	16/02/2018 17:00:02 (GMT-6)		Read	Inbox	Phone	Incoming	i just want to make sure you are not a creeper
276	+14326062302	N/A	16/02/2018 17:00:51 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok. And how do you want me to prove that
277	+14326062302	N/A	16/02/2018 17:02:17 (GMT-6)		Read	Inbox	Phone	Incoming	i dont know lol.... im just nervous haha
278	+14326062302	N/A	16/02/2018 17:02:57 (GMT-6)		Read	Inbox	Phone	Incoming	what do you usually do?
279	+14326062302	N/A	16/02/2018 17:04:29 (GMT-6)		Sent	Sent	Phone	Outgoing	Im just a boring guy who enjoys playing video games competitively. Im trying to go school next semester and work towards a bilingual degree
280	+14326062302	N/A	16/02/2018 17:05:06 (GMT-6)		Read	Inbox	Phone	Incoming	thats cool
281	+14326062302	N/A	16/02/2018 17:05:39 (GMT-6)		Sent	Sent	Phone	Outgoing	What kind of person are you. And what kind of music do you like
282	+14326062302	N/A	16/02/2018 17:06:18 (GMT-6)		Read	Inbox	Phone	Incoming	i like all sorts really, mainly hip-hop tho
283	+14326062302	N/A	16/02/2018 17:07:14 (GMT-6)		Sent	Sent	Phone	Outgoing	Are you the shy or more out going kinda type

284	+14326062302	N/A	16/02/2018 17:07:49 (GMT-6)		Read	Inbox	Phone	Incoming	shy and keep secrets lol
285	+14326062302	N/A	16/02/2018 17:08:38 (GMT-6)		Sent	Sent	Phone	Outgoing	Heh, i use to be like that too around that age. Well, i like to keep some seem secrets still
286	+14326062302	N/A	16/02/2018 17:09:07 (GMT-6)		Read	Inbox	Phone	Incoming	i dont really go out to much, u?
287	+14326062302	N/A	16/02/2018 17:09:43 (GMT-6)		Sent	Sent	Phone	Outgoing	Nope. I love staying inside watching shows and playing games
288	+14326062302	N/A	16/02/2018 17:10:22 (GMT-6)		Sent	Sent	Phone	Outgoing	But i can enjoy some decent time outside every now and then. But why bother when i can stay home for free lol
289	+14326062302	N/A	16/02/2018 17:10:40 (GMT-6)		Read	Inbox	Phone	Incoming	me too!!! not the games part so much tho
290	+14326062302	N/A	16/02/2018 17:11:15 (GMT-6)		Sent	Sent	Phone	Outgoing	Would you like to play some games?
291	+14326062302	N/A	16/02/2018 17:12:08 (GMT-6)		Read	Inbox	Phone	Incoming	what kind of games lol?
292	+14326062302	N/A	16/02/2018 17:13:10 (GMT-6)		Sent	Sent	Phone	Outgoing	Something relaxing? Since you dont seem very experienced to this sort of thing.
293	+14326062302	N/A	16/02/2018 17:13:54 (GMT-6)		Read	Inbox	Phone	Incoming	sort of thing???
294	+14326062302	N/A	16/02/2018 17:14:32 (GMT-6)		Sent	Sent	Phone	Outgoing	Not everyone is good at video games, or has the pafience to try to be.
295	+14326062302	N/A	16/02/2018 17:16:17 (GMT-6)		Read	Inbox	Phone	Incoming	lol what kind of games
296	+14326062302	N/A	16/02/2018 17:17:01 (GMT-6)		Sent	Sent	Phone	Outgoing	Have you ever played zelda
297	+14326062302	N/A	16/02/2018 17:17:50 (GMT-6)		Read	Inbox	Phone	Incoming	nope, what else you got?
298	+14326062302	N/A	16/02/2018 17:19:49 (GMT-6)		Sent	Sent	Phone	Outgoing	I have a switch and i was thinking about picking up a new game. I also have mario
299	+14326062302	N/A	16/02/2018 17:20:32 (GMT-6)		Read	Inbox	Phone	Incoming	sweet i can ball on some mario action lol!!
300	+14326062302	N/A	16/02/2018 17:21:10 (GMT-6)		Sent	Sent	Phone	Outgoing	Swag
301	+14326062302	N/A	16/02/2018 17:21:26 (GMT-6)		Sent	Sent	Phone	Outgoing	So, did you want to hang out today?
302	+14326062302	N/A	16/02/2018 17:22:00 (GMT-6)		Read	Inbox	Phone	Incoming	maybe... it depends
303	+14326062302	N/A	16/02/2018 17:23:13 (GMT-6)		Sent	Sent	Phone	Outgoing	I think we should keep texting each other and to get to know one another till you feel comfortable around me

304	+14326062302	N/A	16/02/2018 17:23:46 (GMT-6)		Read	Inbox	Phone	Incoming	im down with that if you are
305	+14326062302	N/A	16/02/2018 17:24:10 (GMT-6)		Sent	Sent	Phone	Outgoing	Im as comfortable as you want to get.
306	+14326062302	N/A	16/02/2018 17:24:48 (GMT-6)		Sent	Sent	Phone	Outgoing	But i dont want to rush you
307	+14326062302	N/A	16/02/2018 17:24:55 (GMT-6)		Read	Inbox	Phone	Incoming	lol your funny
308	+14326062302	N/A	16/02/2018 17:25:35 (GMT-6)		Sent	Sent	Phone	Outgoing	• 3 •
309	+14326062302	N/A	16/02/2018 17:26:33 (GMT-6)		Read	Inbox	Phone	Incoming	huh?
310	+14326062302	N/A	16/02/2018 17:26:47 (GMT-6)		Sent	Sent	Phone	Outgoing	Its a face
311	+14326062302	N/A	16/02/2018 17:26:56 (GMT-6)		Sent	Sent	Phone	Outgoing	Cuz you said i was funny
312	+14326062302	N/A	16/02/2018 17:27:01 (GMT-6)		Sent	Sent	Phone	Outgoing	So i made a funny face
313	+14326062302	N/A	16/02/2018 17:27:53 (GMT-6)		Read	Inbox	Phone	Incoming	o i c
314	+14326062302	N/A	16/02/2018 17:29:29 (GMT-6)		Sent	Sent	Phone	Outgoing	Heh.. What school do you go to
315	+14326062302	N/A	16/02/2018 17:31:25 (GMT-6)		Read	Inbox	Phone	Incoming	homeschool....i got in trouble a while back and my mom wanted me to stay home
316	+14326062302	N/A	16/02/2018 17:31:58 (GMT-6)		Sent	Sent	Phone	Outgoing	Oh... Do you like being home schooled?
317	+14326062302	N/A	16/02/2018 17:33:29 (GMT-6)		Read	Inbox	Phone	Incoming	not really...i get bored
318	+14326062302	N/A	16/02/2018 17:34:53 (GMT-6)		Sent	Sent	Phone	Outgoing	Dont go out much yet you get bored with home schooling lol
319	+14326062302	N/A	16/02/2018 17:35:13 (GMT-6)		Read	Inbox	Phone	Incoming	i miss my old friends
320	+14326062302	N/A	16/02/2018 17:35:40 (GMT-6)		Sent	Sent	Phone	Outgoing	Yea...i was about to say. You just need some one to talk too
321	+14326062302	N/A	16/02/2018 17:36:44 (GMT-6)		Read	Inbox	Phone	Incoming	i like talking to you so far silly
322	+14326062302	N/A	16/02/2018 17:37:41 (GMT-6)		Sent	Sent	Phone	Outgoing	Oh you flatter me ☺
323	+14326062302	N/A	16/02/2018 17:38:08 (GMT-6)		Read	Inbox	Phone	Incoming	haha

324	+14326062302	N/A	16/02/2018 17:38:44 (GMT-6)		Sent	Sent	Phone	Outgoing	This is nice though. I miss having some one to text all day
325	+14326062302	N/A	16/02/2018 17:39:42 (GMT-6)		Read	Inbox	Phone	Incoming	yeah right i bet you have lots of friends
326	+14326062302	N/A	16/02/2018 17:40:06 (GMT-6)		Sent	Sent	Phone	Outgoing	HAAAA
327	+14326062302	N/A	16/02/2018 17:40:18 (GMT-6)		Sent	Sent	Phone	Outgoing	AAAAAAAAAAAA
328	+14326062302	N/A	16/02/2018 17:40:21 (GMT-6)		Sent	Sent	Phone	Outgoing	...ah..
329	+14326062302	N/A	16/02/2018 17:41:12 (GMT-6)		Read	Inbox	Phone	Incoming	lame haha
330	+14326062302	N/A	16/02/2018 17:41:41 (GMT-6)		Sent	Sent	Phone	Outgoing	Well i have few select friends that i keep close to. I am living with room mates and i talk to friends online almost everyday
331	+14326062302	N/A	16/02/2018 17:42:01 (GMT-6)		Sent	Sent	Phone	Outgoing	Other than that its just family
332	+14326062302	N/A	16/02/2018 17:42:12 (GMT-6)		Read	Inbox	Phone	Incoming	oh cool....you be talking to girls all day too??
333	+14326062302	N/A	16/02/2018 17:42:49 (GMT-6)		Sent	Sent	Phone	Outgoing	Pffttt
334	+14326062302	N/A	16/02/2018 17:42:54 (GMT-6)		Sent	Sent	Phone	Outgoing	I wish...
335	+14326062302	N/A	16/02/2018 17:43:27 (GMT-6)		Read	Inbox	Phone	Incoming	so am i the only girl you talkin to now?
336	+14326062302	N/A	16/02/2018 17:43:38 (GMT-6)		Sent	Sent	Phone	Outgoing	Oh, does my mom count?
337	+14326062302	N/A	16/02/2018 17:44:17 (GMT-6)		Read	Inbox	Phone	Incoming	not unless you think i am like your mom
338	+14326062302	N/A	16/02/2018 17:44:52 (GMT-6)		Sent	Sent	Phone	Outgoing	Then that makes you two 2 seperate catagories
339	+14326062302	N/A	16/02/2018 17:45:17 (GMT-6)		Read	Inbox	Phone	Incoming	well thats good
340	+14326062302	N/A	16/02/2018 17:45:39 (GMT-6)		Sent	Sent	Phone	Outgoing	Then again i only met you today.... Maybe you could be just like my mom
341	+14326062302	N/A	16/02/2018 17:45:49 (GMT-6)		Sent	Sent	Phone	Outgoing	☺
342	+14326062302	N/A	16/02/2018 17:46:00 (GMT-6)		Read	Inbox	Phone	Incoming	ummm no
343	+14326062302	N/A	16/02/2018 17:46:11 (GMT-6)		Sent	Sent	Phone	Outgoing	If you say so

344	+14326062302	N/A	16/02/2018 17:47:08 (GMT-6)		Read	Inbox	Phone	Incoming	well i am 13 so i dont want no kids lol
345	+14326062302	N/A	16/02/2018 17:47:31 (GMT-6)		Sent	Sent	Phone	Outgoing	Thats the spirit. You go girl
346	+14326062302	N/A	16/02/2018 17:48:19 (GMT-6)		Read	Inbox	Phone	Incoming	haha
347	+14326062302	N/A	16/02/2018 17:49:47 (GMT-6)		Read	Inbox	Phone	Incoming	im bored again
348	+14326062302	N/A	16/02/2018 17:50:07 (GMT-6)		Sent	Sent	Phone	Outgoing	Sounds like you need a buddy to hang out with
349	+14326062302	N/A	16/02/2018 17:51:02 (GMT-6)		Read	Inbox	Phone	Incoming	hang out?
350	+14326062302	N/A	16/02/2018 17:52:05 (GMT-6)		Read	Inbox	Phone	Incoming	what does that mean to?
351	+14326062302	N/A	16/02/2018 17:52:09 (GMT-6)		Sent	Sent	Phone	Outgoing	Yea...like meet up with. Chill. Cut loose. Spend time together with.
352	+14326062302	N/A	16/02/2018 17:52:17 (GMT-6)		Sent	Sent	Phone	Outgoing	Synonyms
353	+14326062302	N/A	16/02/2018 17:52:42 (GMT-6)		Read	Inbox	Phone	Incoming	cut loose?
354	+14326062302	N/A	16/02/2018 17:53:10 (GMT-6)		Sent	Sent	Phone	Outgoing	Wow you do need a friend
355	+14326062302	N/A	16/02/2018 17:54:13 (GMT-6)		Read	Inbox	Phone	Incoming	hey thats rough
356	+14326062302	N/A	16/02/2018 17:54:40 (GMT-6)		Sent	Sent	Phone	Outgoing	Then let me be your friend
357	+14326062302	N/A	16/02/2018 17:55:30 (GMT-6)		Read	Inbox	Phone	Incoming	ummm maybe
358	+14326062302	N/A	16/02/2018 17:55:57 (GMT-6)		Sent	Sent	Phone	Outgoing	I see how it is
359	+14326062302	N/A	16/02/2018 17:56:20 (GMT-6)		Read	Inbox	Phone	Incoming	i do like talking to you tho
360	+14326062302	N/A	16/02/2018 17:56:39 (GMT-6)		Sent	Sent	Phone	Outgoing	Then that means were friends
361	+14326062302	N/A	16/02/2018 17:57:16 (GMT-6)		Read	Inbox	Phone	Incoming	o i c
362	+14326062302	N/A	16/02/2018 17:57:26 (GMT-6)		Sent	Sent	Phone	Outgoing	Silly billy
363	+14326062302	N/A	16/02/2018 17:59:28 (GMT-6)		Read	Inbox	Phone	Incoming	so if i take to risk with my mom and sneek to meet you, what are we going to do

364	+14326062302	N/A	16/02/2018 18:00:46 (GMT-6)		Sent	Sent	Phone	Outgoing	Well, i dont want to take you back to my place and risk having the questioned asked why am i hanging out with a 14 year old. If youre hungrey i can take you to dinner
365	+14326062302	N/A	16/02/2018 18:02:40 (GMT-6)		Read	Inbox	Phone	Incoming	who would ask?
366	+14326062302	N/A	16/02/2018 18:02:48 (GMT-6)		Sent	Sent	Phone	Outgoing	My room mates
367	+14326062302	N/A	16/02/2018 18:03:43 (GMT-6)		Read	Inbox	Phone	Incoming	tell them to go somewhere silly.... i def dont want to be around a bunch of dudes i dont know
368	+14326062302	N/A	16/02/2018 18:05:22 (GMT-6)		Sent	Sent	Phone	Outgoing	Ones passed out on the couch since he doesnt have work today...
369	+14326062302	N/A	16/02/2018 18:05:42 (GMT-6)		Sent	Sent	Phone	Outgoing	If it wasnt for that then yea i probably could risk it
370	+14326062302	N/A	16/02/2018 18:05:55 (GMT-6)		Sent	Sent	Phone	Outgoing	But let me be frank with you for a moment
371	+14326062302	N/A	16/02/2018 18:06:03 (GMT-6)		Sent	Sent	Phone	Outgoing	I dont have a bed in my room
372	+14326062302	N/A	16/02/2018 18:07:14 (GMT-6)		Read	Inbox	Phone	Incoming	whats the bed 4? haha
373	+14326062302	N/A	16/02/2018 18:08:46 (GMT-6)		Sent	Sent	Phone	Outgoing	...for me to sleep on ofc
374	+14326062302	N/A	16/02/2018 18:09:30 (GMT-6)		Read	Inbox	Phone	Incoming	ofc?
375	+14326062302	N/A	16/02/2018 18:09:38 (GMT-6)		Sent	Sent	Phone	Outgoing	Of course*
376	+14326062302	N/A	16/02/2018 18:10:37 (GMT-6)		Read	Inbox	Phone	Incoming	haha so you want me to sneak out to watch you sleep....kreeper haha
377	+14326062302	N/A	16/02/2018 18:10:58 (GMT-6)		Sent	Sent	Phone	Outgoing	Damm, you got me
378	+14326062302	N/A	16/02/2018 18:12:10 (GMT-6)		Read	Inbox	Phone	Incoming	so you sleep....i watch...who cuddles?
379	+14326062302	N/A	16/02/2018 18:12:50 (GMT-6)		Sent	Sent	Phone	Outgoing	I cuddle
380	+14326062302	N/A	16/02/2018 18:12:59 (GMT-6)		Sent	Sent	Phone	Outgoing	With my pillow
381	+14326062302	N/A	16/02/2018 18:13:15 (GMT-6)		Read	Inbox	Phone	Incoming	i thought you were sleeping silly
382	+14326062302	N/A	16/02/2018 18:13:32 (GMT-6)		Sent	Sent	Phone	Outgoing	I do that in my sleep, doesnt every one
383	+14326062302	N/A	16/02/2018 18:14:10 (GMT-6)		Read	Inbox	Phone	Incoming	ummm no

384	+14326062302	N/A	16/02/2018 18:14:29 (GMT-6)		Sent	Sent	Phone	Outgoing	I guess im just a kreeper then...
385	+14326062302	N/A	16/02/2018 18:15:11 (GMT-6)		Read	Inbox	Phone	Incoming	well i hope not....i like you
386	+14326062302	N/A	16/02/2018 18:15:12 (GMT-6)		Sent	Sent	Phone	Outgoing	Well, the way i see it we have two options. I can get a hotel room or we can just chill in my car
387	+14326062302	N/A	16/02/2018 18:16:15 (GMT-6)		Read	Inbox	Phone	Incoming	hotel room?
388	+14326062302	N/A	16/02/2018 18:16:31 (GMT-6)		Sent	Sent	Phone	Outgoing	A room in a hotel, yes.
389	+14326062302	N/A	16/02/2018 18:16:39 (GMT-6)		Sent	Sent	Phone	Outgoing	But you couldnt stay over night could you
390	+14326062302	N/A	16/02/2018 18:17:44 (GMT-6)		Read	Inbox	Phone	Incoming	yeah i will just say i am going to a friends...my mom is tired of me too haha
391	+14326062302	N/A	16/02/2018 18:18:21 (GMT-6)		Sent	Sent	Phone	Outgoing	Thats what i had in mind. Cool so you do it then?
392	+14326062302	N/A	16/02/2018 18:19:55 (GMT-6)		Read	Inbox	Phone	Incoming	im nervous....you havent even told me your name silly
393	+14326062302	N/A	16/02/2018 18:20:21 (GMT-6)		Sent	Sent	Phone	Outgoing	Wow youre right. Please excuse me.
394	+14326062302	N/A	16/02/2018 18:20:32 (GMT-6)		Sent	Sent	Phone	Outgoing	My name is Sebastian
395	+14326062302	N/A	16/02/2018 18:23:08 (GMT-6)		Read	Inbox	Phone	Incoming	thanks babe i feel little better now sry im just really nervous i hope u understand
396	+14326062302	N/A	16/02/2018 18:23:30 (GMT-6)		Sent	Sent	Phone	Outgoing	babe? Oh my
397	+14326062302	N/A	16/02/2018 18:24:00 (GMT-6)		Read	Inbox	Phone	Incoming	hehe sorry
398	+14326062302	N/A	16/02/2018 18:24:12 (GMT-6)		Sent	Sent	Phone	Outgoing	So whats your name then
399	+14326062302	N/A	16/02/2018 18:24:47 (GMT-6)		Read	Inbox	Phone	Incoming	Crystal
400	+14326062302	N/A	16/02/2018 18:25:00 (GMT-6)		Sent	Sent	Phone	Outgoing	Cute name
401	+14326062302	N/A	16/02/2018 18:26:02 (GMT-6)		Read	Inbox	Phone	Incoming	aww thanks babe
402	+14326062302	N/A	16/02/2018 18:27:34 (GMT-6)		Sent	Sent	Phone	Outgoing	Alright. If youre 100% about this tell me where i can pick you up so i can plan ahead
403	+14326062302	N/A	16/02/2018 18:28:29 (GMT-6)		Read	Inbox	Phone	Incoming	not yet silly hehe u havent even told me what we would do duh hehe

404	+14326062302	N/A	16/02/2018 18:29:19 (GMT-6)		Sent	Sent	Phone	Outgoing	Do you really want to know?
405	+14326062302	N/A	16/02/2018 18:29:46 (GMT-6)		Read	Inbox	Phone	Incoming	yah silly i dont like surprises hehe
406	+14326062302	N/A	16/02/2018 18:31:17 (GMT-6)		Sent	Sent	Phone	Outgoing	We would make out on the bed until one of us loses our control to take off their clothes.
407	+14326062302	N/A	16/02/2018 18:31:41 (GMT-6)		Read	Inbox	Phone	Incoming	hehe
408	+14326062302	N/A	16/02/2018 18:32:33 (GMT-6)		Sent	Sent	Phone	Outgoing	We would do it. Gentle, but firm and passionate. And after that we would shower together, and then do it again
409	+14326062302	N/A	16/02/2018 18:32:52 (GMT-6)		Sent	Sent	Phone	Outgoing	And then do it again on the bed, and then shower again. Rinse and repeat
410	+14326062302	N/A	16/02/2018 18:33:13 (GMT-6)		Sent	Sent	Phone	Outgoing	Does that sound fun?
411	+14326062302	N/A	16/02/2018 18:33:40 (GMT-6)		Read	Inbox	Phone	Incoming	hehe sry ive never doen that before
412	+14326062302	N/A	16/02/2018 18:33:55 (GMT-6)		Sent	Sent	Phone	Outgoing	Thats ok
413	+14326062302	N/A	16/02/2018 18:34:36 (GMT-6)		Read	Inbox	Phone	Incoming	u sure babe?
414	+14326062302	N/A	16/02/2018 18:35:11 (GMT-6)		Sent	Sent	Phone	Outgoing	Ive only actually done it once so id love to get more experienced with some one new too
415	+14326062302	N/A	16/02/2018 18:38:06 (GMT-6)		Read	Inbox	Phone	Incoming	would u wear protection i dont want to get prego
416	+14326062302	N/A	16/02/2018 18:38:29 (GMT-6)		Sent	Sent	Phone	Outgoing	Of course. I know how you said you dont want to have kids
417	+14326062302	N/A	16/02/2018 18:39:57 (GMT-6)		Read	Inbox	Phone	Incoming	hehe what do u mean by do it? sry babe im just nervous
418	+14326062302	N/A	16/02/2018 18:41:18 (GMT-6)		Sent	Sent	Phone	Outgoing	Relax. You already mentioned protection so you know what i mean
419	+14326062302	N/A	16/02/2018 18:41:55 (GMT-6)		Read	Inbox	Phone	Incoming	hehe sry babe
420	+14326062302	N/A	16/02/2018 18:42:57 (GMT-6)		Sent	Sent	Phone	Outgoing	So. If youre ready and willing. I would love to teach sex with you
421	+14326062302	N/A	16/02/2018 18:43:26 (GMT-6)		Read	Inbox	Phone	Incoming	hehe ok when?
422	+14326062302	N/A	16/02/2018 18:43:44 (GMT-6)		Sent	Sent	Phone	Outgoing	Is tonight ok with you?
423	+14326062302	N/A	16/02/2018 18:44:07 (GMT-6)		Read	Inbox	Phone	Incoming	yah hehe

424	+14326062302	N/A	16/02/2018 18:44:31 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok lil missy. Where can i pick you up at
425	+14326062302	N/A	16/02/2018 18:45:35 (GMT-6)		Read	Inbox	Phone	Incoming	what time babe
426	+14326062302	N/A	16/02/2018 18:46:07 (GMT-6)		Sent	Sent	Phone	Outgoing	Are you in odessa first of all?
427	+14326062302	N/A	16/02/2018 18:47:34 (GMT-6)		Read	Inbox	Phone	Incoming	midland where would we go
428	+14326062302	N/A	16/02/2018 18:48:04 (GMT-6)		Sent	Sent	Phone	Outgoing	Oh ok, im in midland too, no worries
429	+14326062302	N/A	16/02/2018 18:48:24 (GMT-6)		Sent	Sent	Phone	Outgoing	North west south or east?
430	+14326062302	N/A	16/02/2018 18:48:37 (GMT-6)		Read	Inbox	Phone	Incoming	north
431	+14326062302	N/A	16/02/2018 18:48:52 (GMT-6)		Sent	Sent	Phone	Outgoing	Cool. I can show up at around 8
432	+14326062302	N/A	16/02/2018 18:49:05 (GMT-6)		Read	Inbox	Phone	Incoming	what time do u want to meet i want to make sure im ready i have to shower first hehe
433	+14326062302	N/A	16/02/2018 18:49:40 (GMT-6)		Sent	Sent	Phone	Outgoing	Me too. But we could shower together if you want
434	+14326062302	N/A	16/02/2018 18:51:08 (GMT-6)		Read	Inbox	Phone	Incoming	where would we go? i want to shower first before we meet hehe then we can shower together later hehe
435	+14326062302	N/A	16/02/2018 18:51:51 (GMT-6)		Sent	Sent	Phone	Outgoing	Lets get a hotel tonight. Before we go there we can go to dinner or a movie, what ever you want
436	+14326062302	N/A	16/02/2018 18:53:23 (GMT-6)		Read	Inbox	Phone	Incoming	y dinner and a movie hehe
437	+14326062302	N/A	16/02/2018 18:55:07 (GMT-6)		Sent	Sent	Phone	Outgoing	Geez i want to be a gentleman at least lol
438	+14326062302	N/A	16/02/2018 18:56:22 (GMT-6)		Read	Inbox	Phone	Incoming	hehe im sry i thought u were talking about other stuff i am confused
439	+14326062302	N/A	16/02/2018 18:57:56 (GMT-6)		Sent	Sent	Phone	Outgoing	We can talk about it when we meet up
440	+14326062302	N/A	16/02/2018 18:58:39 (GMT-6)		Read	Inbox	Phone	Incoming	oh
441	+14326062302	N/A	16/02/2018 18:59:27 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok, im gonna get ready so i can pick you up. Send me the adress
442	+14326062302	N/A	16/02/2018 19:00:06 (GMT-6)		Read	Inbox	Phone	Incoming	ur making me nervous babe u told me one thing and now ur changing ur mind
443	+14326062302	N/A	16/02/2018 19:00:32 (GMT-6)		Sent	Sent	Phone	Outgoing	You want sex right?

444	+14326062302	N/A	16/02/2018 19:01:28 (GMT-6)		Read	Inbox	Phone	Incoming	do u? hehe u said u want dinner and a movie or to do it im so confused babe
445	+14326062302	N/A	16/02/2018 19:02:14 (GMT-6)		Sent	Sent	Phone	Outgoing	Yes i do, but im also offering dinner or a movie before hop right into it. Im just being polite
446	+14326062302	N/A	16/02/2018 19:02:49 (GMT-6)		Read	Inbox	Phone	Incoming	ok babe sry i was just confused
447	+14326062302	N/A	16/02/2018 19:03:41 (GMT-6)		Sent	Sent	Phone	Outgoing	No problem
448	+14326062302	N/A	16/02/2018 19:04:00 (GMT-6)		Sent	Sent	Phone	Outgoing	Try to relax
449	+14326062302	N/A	16/02/2018 19:04:26 (GMT-6)		Read	Inbox	Phone	Incoming	ok babe im sry can we meet before 8?
450	+14326062302	N/A	16/02/2018 19:06:31 (GMT-6)		Sent	Sent	Phone	Outgoing	Ill try
451	+14326062302	N/A	16/02/2018 19:07:36 (GMT-6)		Read	Inbox	Phone	Incoming	i have a question babe
452	+14326062302	N/A	16/02/2018 19:08:40 (GMT-6)		Sent	Sent	Phone	Outgoing	Whats up
453	+14326062302	N/A	16/02/2018 19:09:41 (GMT-6)		Read	Inbox	Phone	Incoming	how will i know it will be u? sry ive just never done this before
454	+14326062302	N/A	16/02/2018 19:09:58 (GMT-6)		Sent	Sent	Phone	Outgoing	I sent you a pic remember
455	+14326062302	N/A	16/02/2018 19:10:13 (GMT-6)		Sent	Sent	Phone	Outgoing	Also i have a silver two door car
456	+14326062302	N/A	16/02/2018 19:11:04 (GMT-6)		Read	Inbox	Phone	Incoming	hehe sry babe i deleted it
457	+14326062302	N/A	16/02/2018 19:11:05 (GMT-6)		Sent	Sent	Phone	Outgoing	And if you dont believe the guy you see when we meet just call this number
458	+14326062302	N/A	16/02/2018 19:11:11 (GMT-6)		Sent	Sent	Phone	Outgoing	Wh
459	+14326062302	N/A	16/02/2018 19:11:14 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok hold on
460	+14326062302	N/A	16/02/2018 19:11:55 (GMT-6)		Read	Inbox	Phone	Incoming	aww ur so cute babe
461	+14326062302	N/A	16/02/2018 19:12:14 (GMT-6)		Sent	Sent	Phone	Outgoing	You make me blush
462	+14326062302	N/A	16/02/2018 19:13:16 (GMT-6)		Read	Inbox	Phone	Incoming	hehe
463	+14326062302	N/A	16/02/2018 19:14:52 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok im almost ready

464	+14326062302	N/A	16/02/2018 19:19:48 (GMT-6)		Read	Inbox	Phone	Incoming	Ok hehe
465	+14326062302	N/A	16/02/2018 19:21:28 (GMT-6)		Sent	Sent	Phone	Outgoing	Are you ready?
466	+14326062302	N/A	16/02/2018 19:26:39 (GMT-6)		Read	Inbox	Phone	Incoming	sry babe i was telling my mom bye she just left for work
467	+14326062302	N/A	16/02/2018 19:28:18 (GMT-6)		Sent	Sent	Phone	Outgoing	So youre ready then?
468	+14326062302	N/A	16/02/2018 19:29:00 (GMT-6)		Read	Inbox	Phone	Incoming	let me jump in the shower i promise i wont take long
469	+14326062302	N/A	16/02/2018 19:29:43 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok, can i get the adress at least?
470	+14326062302	N/A	16/02/2018 19:38:47 (GMT-6)		Sent	Sent	Phone	Outgoing	Ill wait . _ .
471	+14326062302	N/A	16/02/2018 19:43:29 (GMT-6)		Read	Inbox	Phone	Incoming	sry babe i was in the shower
472	+14326062302	N/A	16/02/2018 19:43:46 (GMT-6)		Sent	Sent	Phone	Outgoing	I know. Im ready to head out
473	+14326062302	N/A	16/02/2018 19:44:18 (GMT-6)		Read	Inbox	Phone	Incoming	i live by office depot do u know where that is
474	+14326062302	N/A	16/02/2018 19:44:51 (GMT-6)		Sent	Sent	Phone	Outgoing	Is it in an apartment complex?
475	+14326062302	N/A	16/02/2018 19:46:07 (GMT-6)		Read	Inbox	Phone	Incoming	yeah but i dont want ne one in the complex seeing me so i was gonna run down to u when u get here
476	+14326062302	N/A	16/02/2018 19:46:32 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok np
477	+14326062302	N/A	16/02/2018 19:48:08 (GMT-6)		Read	Inbox	Phone	Incoming	how long babe?
478	+14326062302	N/A	16/02/2018 19:48:34 (GMT-6)		Sent	Sent	Phone	Outgoing	10 mins
479	+14326062302	N/A	16/02/2018 19:50:37 (GMT-6)		Read	Inbox	Phone	Incoming	yay hehe
480	+14326062302	N/A	16/02/2018 19:57:10 (GMT-6)		Read	Inbox	Phone	Incoming	☺
481	+14326062302	N/A	16/02/2018 19:59:22 (GMT-6)		Sent	Sent	Phone	Outgoing	Ok im here
482	+14326062302	N/A	16/02/2018 19:59:27 (GMT-6)		Read	Inbox	Phone	Incoming	im excited hehe
483	+14326062302	N/A	16/02/2018 19:59:59 (GMT-6)		Sent	Sent	Phone	Outgoing	I parked next to a dead tree far left from the office depot building

484	+14326062302	N/A	16/02/2018 20:01:13 (GMT-6)		Read	Inbox	Phone	Incoming	ok babe i see ya ♡
485	+14326062302	N/A	16/02/2018 20:03:15 (GMT-6)		Read	Inbox	Phone	Incoming	test

* Phonebook name lookup used to retrieve names

MEMO FROM

Wayne Frost, Attorney-at-Law
203 W. Wall, Suite 205
Midland, TX 79701
(432) 570-8124 (phone or fax)
lawcalendar@ymail.com

TO: Lacy

RE: Sebastian Zapata CR 51328

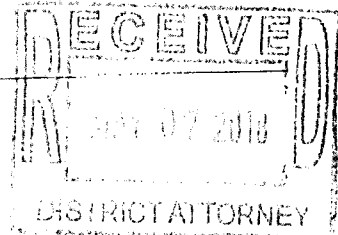
I have only a 3 page offense
report & copies of some text
messages.

If there is more "discovery"
please make it available on Tech Share
& notify me of the availability.

Thanks,

Dated: 5/7/18

Wayne Frost
Wayne Frost



CR51328

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

STATE'S MOTION FOR CONTINUANCE

COMES NOW the State of Texas by and through her District Attorney and moves the Court to continue to another day the above entitled cause set for a TRIAL on March 5, 2019, wherein the defendant is charged with the offenses of ONLINE SOLICITATION OF A MINOR UNDER 14, and for cause would show the Court as follows:

A material witness for the State, Cody Allen, is subpoenaed in the case. Cody Allen is now with the Texas Rangers. In the early morning hours of March 5, 2019 there was an officer involved shooting in Midland, Texas. Officer Heidelberg with the Midland Police Department was shot and killed in the line of duty. Ranger Allen is the lead investigator for that case. Ranger Allen is investigating that case and will be unavailable for trial this week.

This Motion is not made for the purpose of delay but so that justice may be done and is the State's first motion for continuance in this cause. It is the State's belief that Cody Allen will be available for trial on March 11, 2019 and will be ready to present its case at that, or a later date.

WHEREFORE, PREMISES CONSIDERED, the State prays that the above entitled cause be continued for hearing at a later date.

Respectfully submitted,

/s/

Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CERTIFICATE OF SERVICE

I, the below signed Attorney for Midland County, Texas, do hereby certify that on March 5, 2019, I sent a copy of the foregoing MOTION FOR CONTINUANCE by transmission through the authorized electronic filing manager or as otherwise permitted by law to Alvaro Martinez, the attorney of record for the defendant.

/s/

Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

**ORDER ON STATE'S
MOTION FOR CONTINUANCE**

On this day came on for consideration the State's motion for a continuance of the trial of this cause and having considered, the same the Court is of the opinion that the said motion for continuance should be (GRANTED) (DENIED).

It is, therefore, **CONSIDERED, ORDERED AND DECREED** that the State's Motion for Continuance of the TRIAL in this cause be and is, hereby, (GRANTED) (DENIED).

Signed this the _____ day of _____, 20____.

JUDGE PRESIDING
238TH DISTRICT COURT
MIDLAND COUNTY, TEXAS

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

STATE'S MOTION FOR NOTICE OF DEFENSE EXPERT WITNESS

COMES NOW the State of Texas by and through her District Attorney and moves this Court under Article 39.14(b) Code of Criminal Procedure to order counsel for the defense in this case to give the State notice in advance of trial of any witness the defense intends to use at trial as an expert witness under Texas Rules of Evidence 702, 703 and 705.

WHEREFORE, PREMISES CONSIDERED, the State prays that the Court instruct counsel to give the State notice in advance of trial of any witness the defense intends to use at trial as an expert witness under Texas Rules of Evidence 702, 703 and 705.

Respectfully Submitted,

_____/s/_____
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CERTIFICATE OF SERVICE

I, the undersigned Assistant District Attorney, do hereby certify that on the 25th day of September, 2017, I sent a copy of the foregoing STATE'S MOTION FOR NOTICE OF DEFENSE EXPERTS by transmission through the authorized electronic filing manager or as otherwise permitted by law to Tom Morgan, the attorney of record for the defendant.

_____/s/_____
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

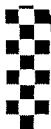
**ORDER ON STATE'S MOTION FOR NOTICE
OF DEFENSE EXPERT WITNESS**

ON THIS DAY, came on for consideration the State's Motion for Notice of Defense Expert Witnesses under Article 39.14(b) Code of Criminal Procedure requesting the Court to order counsel for the defense in this case to give the State in advance of trial of any witness the defense intends to use at trial as an expert witness under Texas Rules of Evidence 702, 703 and 705, and having considered the same the Court is of the opinion that the said motion should be **GRANTED**.

IT IS, THEREFORE, ORDERED that counsel for defense give notice to the State in advance of trial of any witness the defense intends to use at trial as an expert witness under Texas Rules of Evidence 702, 703 and 705. Such notice shall include the name, address and telephone number of the said witness, along with the witness's curriculum vitae. Such notice shall be given not later than the 20th day before the date the trial begins as is required under Texas Code of Criminal Procedure Article 39.14(b).

Signed the ____ day of _____, 20____.

JUDGE PRESIDING
MIDLAND COUNTY, TEXAS



UH

Wayne Frost
Attorney & Counselor-at-Law
203 W. Wall, Suite 205
Midland, Tx. 79701
(432) 570-8124 (phone or fax)

2-26-18

Date

TO: Assigned ProsecutorRE: Sebastian Alexander Zapata

<input checked="" type="checkbox"/> Unindicted	F	<u>118067</u>
<input type="checkbox"/> Indicted	CR	
<input type="checkbox"/> Revocation	CR	
<input type="checkbox"/> Misdemeanor	CR	

☒ Please convey at your earliest convenience any offers should the defendant desire entering a "plea" to an "INFORMATION," any pending INDICTMENT(S), PROBATION REVOCATION(S), or misdemeanor charge(s).

☐ Plea offer received in the above and said defendant (☐ ACCEPTS)
(☐ DECLINES).

☒ Also, please make "discovery" and other appropriate information available on "TechShare" as soon as possible, and notify my offices whenever new information is entered.

Thank you for your assistance and consideration.

Sincerely,

Wayne Frost

Wayne Frost

(☒ 1st request ☐ 2nd request ☐ 3rd request ☐ 4th request)

LH

NO. CR51328

2018 SEP 17 AM 11:07

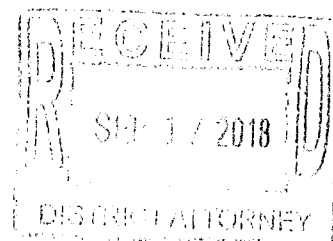
STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

DEFENDANT'S FIRST MOTION IN LIMINE - PRIOR CONVICTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through his attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence that the Defendant has convicted of any prior offense, either misdemeanor or felony, other than the offense specifically alleged in the indictment in this cause, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that evidence may exist that the Defendant has committed offenses other than that alleged in the complaint herein. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in this cause, and if admitted before the jury would be grossly prejudicial as not to be curable by instruction, and would necessitate a mistrial.



Respectfully submitted,

Thomas S. Morgan
Attorney At Law
1902 W. Illinois
Midland, Texas 79701
Tel: (432) 683-2703
Fax: (432) 684-7314
Attorney for Defendant

By: Thomas S. Morgan
Thomas S. Morgan
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's First Motion In Limine - Prior Convictions was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan
Thomas S. Morgan

NO. CR51328

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

ORDER ON DEFENDANT'S FIRST MOTION IN LIMINE - PRIOR CONVICTIONS

After considering the foregoing Defendant's First Motion In Limine - Prior Convictions, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's First Motion In Limine - Prior Convictions be and is hereby GRANTED.

SIGNED ther the ____ day of _____, 2018.

JUDGE PRESIDING

LH

2019 SEP 17 11:07

NO. CR51328

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

DEFENDANT'S SECOND MOTION IN LIMINE - EXTRANEIOUS OFFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of an extraneous offense on the part of Defendant, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

RECEIVED
SEP 17 2019

instruction, and would necessitate a mistrial.

Respectfully submitted,

Thomas S. Morgan
Attorney At Law
1902 W. Illinois
Midland, Texas 79701
Tel: (432) 683-2703
Fax: (432) 684-7314
Attorney for Defendant

By: Thomas S. Morgan
Thomas S. Morgan
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Second Motion In Limine - Extraneous Offenses was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan
Thomas S. Morgan

NO. CR51328

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

ORDER ON DEFENDANT'S SECOND MOTION IN LIMINE - EXTRANEIOUS OFFENSES

After considering the foregoing Defendant's Second Motion In Limine - Extraneous Offenses, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's Second Motion In Limine - Extraneous Offenses be and is hereby GRANTED.

SIGNED the _____ day of _____, 2018

JUDGE PRESIDING

67

2018 SEP 17 11:08

NO. CR51328

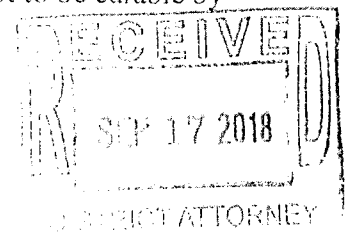
STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

DEFENDANT'S THIRD MOTION IN LIMINE -POLYGRAPH EXAM

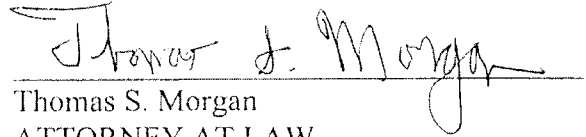
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of the opinion testimony that witnesses believe sexual assault occurred, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by



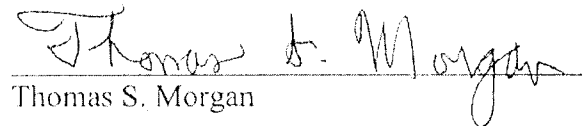
instruction, and would necessitate a mistrial.



Thomas S. Morgan
ATTORNEY AT LAW
1902 W. Illinois
MIDLAND, TEXAS 79701
(432) 683-2703
(432) 684-7314 FAX NUMBER
STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Third Motion In Limine - Polygraph Exam was hand delivered to the Midland District Attorney, Midland County Courthouse.



Thomas S. Morgan

NO. CR51328

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

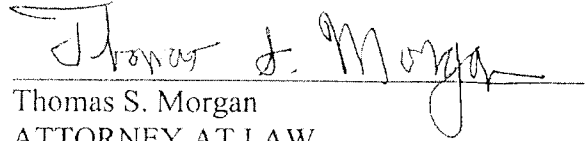
DEFENDANT'S THIRD MOTION IN LIMINE -POLYGRAPH EXAM

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of the opinion testimony that witnesses believe sexual assault occurred, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

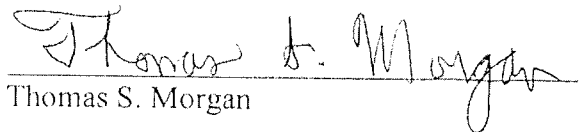
instruction, and would necessitate a mistrial.



Thomas S. Morgan
ATTORNEY AT LAW
1902 W. Illinois
MIDLAND, TEXAS 79701
(432) 683-2703
(432) 684-7314 FAX NUMBER
STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Third Motion In Limine - Polygraph Exam was hand delivered to the Midland District Attorney, Midland County Courthouse.



Thomas S. Morgan

NO. CR51328

STATE OF TEXAS

§

IN THE DISTRICT COURT OF 3:09

VS.

§

MIDLAND COUNTY, TEXAS

SEBASTIAN ZAPATA

§

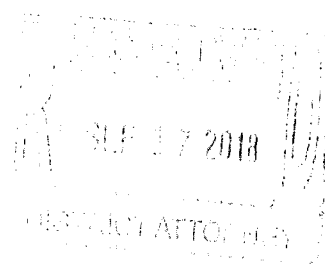
385th JUDICIAL DISTRICT

DEFENDANT'S FOURTH MOTION IN LIMINE - PROSECUTION WITNESS TESTIFYING
WHETHER DEFENDANT WAS TELLING THE TRUTH

TO THE HONORABLE JUDGE OF SAID COURT:

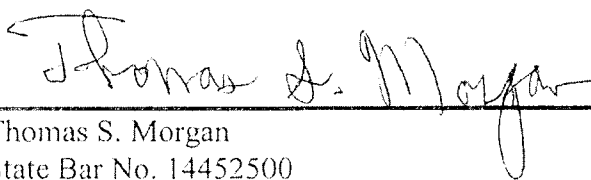
COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through his attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence that the prosecution witness testifying whether defendant was telling the truth, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that evidence may exist that the Defendant has committed offenses other than that alleged in the complaint herein. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in there cause, and if admitted before the jury would be grossly prejudicial as not to be curable by instruction, and would necessitate a mistrial.



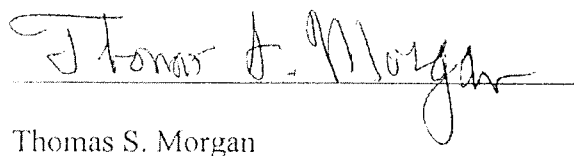
Respectfully submitted,

Thomas S. Morgan
Attorney At Law
1902 W. Illinois
Midland, Texas 79701
Tel: (432) 683-2703
Fax: (432) 684-7314
Attorney for Defendant

By: 
Thomas S. Morgan
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Fourth Motion In Limine - Prosecution Witness Testifying Whether Defendant was Telling the Truth was hand delivered to the Midland District Attorney, Midland County Courthouse.


Thomas S. Morgan

NO. CR51328

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

ORDER ON DEFENDANT'S FOURTH MOTION IN LIMINE - PROSECUTION WITNESS

TESTIFYING WHETHER DEFENDANT WAS TELLING THE TRUTH

After considering the foregoing Defendant's First Motion In Limine - Prosecution Witness Testifying Whether Defendant was Telling the Truth, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's Fourth Motion In Limine - Prosecution Witness Testifying Whether Defendant was Telling the Truth, be and is hereby GRANTED.

SIGNED there the ____ day of _____, 2018.

JUDGE PRESIDING

FILED

NO. CR51328

2018 NOV 13 PM 2:12 §
THE STATE OF TEXAS §
V. ALEX ARCHULETA §
DISTRICT CLERK §
MIDLAND COUNTY, TEXAS §
SEBASTIAN ZAPATA BY DEPUTY §
385th JUDICIAL DISTRICT §

IN THE DISTRICT COURT OF
MIDLAND COUNTY, TEXAS
385th JUDICIAL DISTRICT

MOTION TO SUPPRESS POLYGRAPH EXAMINATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, by and through his attorney of record, Thomas S. Morgan, and files this his Motion To Suppress Polygraph Examination, and as grounds for such Motion would respectfully show this Honorable Court as follows:

I

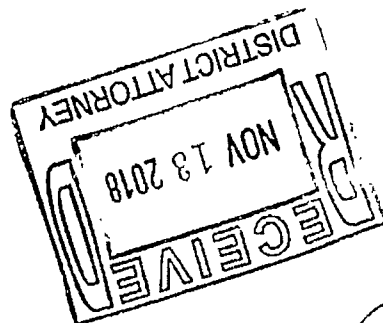
The Defendant submitted to a polygraph examination in this case.

II

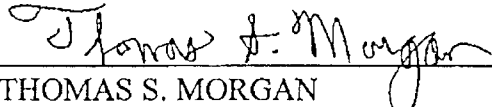
The Defendant moves to suppress any mentioning of this polygraph examination because such polygraph examination is not admissible.

III

Attached hereto, and incorporated by reference, is the case of Romero v. State, 493 S.W.2d 206, decided by the Texas Court of Criminal Appeals, regarding polygraph examinations being inadmissible.



WHEREFORE, the Defendant prays that the polygraph examination be, in all things, suppressed. The Defendant further prays for any and all other relief to which he may be entitled.


THOMAS S. MORGAN
ATTORNEY AT LAW
1902 W. ILLINOIS
MIDLAND, TEXAS 79701
(432) 683-2703
(432) 684-7314 (FAX)
STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 9 day of Nov, 2018, a true and correct copy of the foregoing Defendant's Motion To Set Appeal Bond was hand delivered to the District Attorney of Midland County, Texas, Midland County Courthouse, 500 N. Loraine, Second Floor, Midland, Texas 79701.


THOMAS S. MORGAN

NO. CR51328

THE STATE OF TEXAS

V.

SEBASTIAN ZAPATA

§
§
§
§
§
§

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385th JUDICIAL DISTRICT

ORDER GRANTING MOTION TO SUPPRESS POLYGRAPH EXAMINATION

I The Court, having considered the Defendant's Motion to Suppress Polygraph Examination, finds that the Motion should be granted;


IT IS THEREFORE ORDERED that the Polygraph Examination be and is hereby suppressed.

SIGNED this the _____ day of _____, 201__.

JUDGE PRESIDING

WESTLAW

 Superseded by Rule as Stated in Kelly v. State, Tex.Crim.App., February 5, 1992

 Original Image of 493 S.W.2d 208 (PDF)

Romero v. State

Court of Criminal Appeals of Texas. | April 18, 1973 | 493 S.W.2d 208 (Approx. 7 pages)

Johnny ROMERO, Appellant,

v.

The STATE of Texas, Appellee.

No. 46281.

April 18, 1973.



Synopsis

The 105th Judicial District Court, Nueces County, Noah Kennedy, J., found defendant guilty of selling heroin and he appealed. The Court of Criminal Appeals, Onion, P.J., held that results of polygraph test were inadmissible even though defendant had stipulated to admission of results of test which had been performed by operator having only intern's license and which had been given on morning following evening when defendant was given methadone tablet.

Reversed and remanded.

West Headnotes (1)

[Change View](#)

- 1 **Criminal Law**  Test Procedures; Competency of Technician
Stipulations  Stipulations as to Evidence

Results of polygraph test which had been performed by operator having only intern's license and which had been given on morning following evening when defendant was given methadone tablet were inadmissible even though defendant had stipulated to admission of results of test. Vernon's Ann.Civ.St. art. 4413(29cc).

60 Cases that cite this headnote

Attorneys and Law Firms

*207 J. A. Canales, Corpus Christi, for appellant; appointed on appeal only.

William B. Mobley, Jr., Dist. Atty., and John Potter, Asst. Dist. Atty., Corpus Christi, Jim D. Vollers, State's Atty., Robert A. Huttash, Asst. State's Atty., Austin, for the State.

OPINION

ONION, Presiding Judge.

This appeal is taken from a conviction for sale of heroin wherein the punishment was assessed at twenty (20) years.

At the outset, appellant urges that the court erred 'as a matter of law' in admitting into evidence, over objection, the results of a lie-detector or polygraph test. The State contends that the same was admissible by virtue of a pre-trial written agreement and stipulation entered into prior to the polygraph test. Both State and appellant believe that the question presented is one of first impression in this jurisdiction.

SELECTED TOPICS

Criminal Law

Trial

Support of Reliability of Stipulated
Testimony of State Witnesses
Evidence Results of Polygraph Examination
of Defendant

Secondary Sources

Appendix B. Federal Rules of Evidence for United States Courts

2 Tex. Prac., Texas Rules Of Evidence
Appendix B (4th ed.)

...Be it enacted by the Senate and House of
Representatives of the United States of
America in Congress assembled, That: The
following rules shall take effect on the one
hundred and eightieth day beginning...

s 73.1. Commentary-Jury trials

7A Tex. Prac., Criminal Forms and Trial
Manual § 73.1 (11th ed.)

...The document citation is not available at
this time

What constitutes "violent felony" for
purpose of sentence enhancement
under Armed Career Criminal Act (18
U.S.C.A. sec. 924(e)(1))

119 A.L.R. Fed. 319 (Originally published in
1994)

...This annotation collects and analyzes those
cases in which the courts have addressed
the issue of when an individual's prior
conviction may serve as a predicate
conviction for the purpose of sentence e...

[See More Secondary Sources](#)

Briefs

Curtis Lee KYLES, Petitioner, v. John
P. WHITLEY, Respondent.

1994 WL 16012104
Curtis Lee KYLES, Petitioner, v. John P.
WHITLEY, Respondent.
Supreme Court of the United States
June 17, 1994

...FN* Counsel of Record STATE OF
LOUISIANA V. KYLES Opinion of the
Louisiana Supreme Court on Direct Appeal,
September 9, 1987 STATE OF LOUISIANA
V. KYLES Order of the Criminal District Court
Parish of O...

Kevin Wiggins v. Sewall Smith

2003 WL 21511704
Kevin Wiggins v. Sewall Smith
Supreme Court of the United States
Jan. 09, 2003

...FN* Counsel of Record Before: Honorable
J. William Hinkel, Associate Judge * * MS.
NETHERCOTT: One final motion concerning
a defense motion to compel the State to
come forward with evidence regarding t...

JOINT APPENDIX, VOL. II

2006 WL 282161
ERIC MICHAEL CLARK, Petitioner, v. STATE
OF ARIZONA, Respondent,
Supreme Court of the United States
Feb. 02, 2006

...BEFORE: HONORABLE H. JEFFREY
COKER Judge of the Superior Court
PREPARED FOR: THE DEFENDANT
(Certified Copy) * [4] THE COURT: Counsel,

Prior to trial, the appellant filed a motion in limine to prevent the State from using the results of said test by contending that, contrary to the agreement, the polygraph operator was not qualified, and, further, contrary to the agreement, the appellant was given the drug 'Methadone' though he was not to be given any drugs for 48 hours prior to the test.

At the hearing on the motion, it was shown that on December 15, 1970, several days after the return of the indictment, the following stipulation was entered into:

STIPULATION

We, Ed Williams, Attorney for the undersigned Defendant, Johnny Romero, Defendant, and Phil Westergren, State's Attorney, hereby agree and stipulate that the lie detector test given to the Defendant on the 15th day of December, 1970, may be admitted into evidence at the trial of said Defendant, by either party, provided that no such evidence can be admitted unless the examiner first testifies, out of the presence of the Jury, that his offered testimony, in his opinion, is probative.

/s/ Johnnie Romero

Defendant

/s/ Ed P. Williams

Attorney for Defendant

/s/ Phil Westergren

Attorney for the State

Subscribed and sworn to before me, on this the 15 day of December, A.D. 1970. . . .'

At this time appellant was in custody and was taken from the jail to the Department of Public Safety office in Corpus Christi. The appellant offered evidence to show that Edwin De Sha, the polygraph operator for the Department of Public Safety, had only an intern's license at the time of the test,¹ and that at 8 p.m. on December 14, the evening before the test on the morning of December 15, the appellant had been given one Methadone tablet. Appellant contends this violated the agreement to stipulate.

*208 The State countered with evidence that the operator's intern's license was on the wall of the room where the test was given in the presence of appellant's counsel, and that such counsel had been informed prior to the test that appellant had taken Methadone the night before and had thereafter agreed to the test; that Dr. Rupp had been called prior to the test to determine the effect of the Methadone on the results of such test.

The motion in limine was subsequently overruled.

The State's evidence at the trial on the merits reflects that 22-year old John Messer and one Williams, age 20, undercover agents for the Nueces County Sheriff, went to the Blue Note Lounge in Corpus Christi on November 24, 1970, posing as construction workers looking for employment. The lounge was shown to be owned by a Kathy Bolden. Among those present in the lounge at the time were J. D. Haywood, who was working behind the bar, Terry Murlough, alias Linda Davis, and the appellant.

While the agents were drinking beer, they were approached by Terry Murlough who propositioned Messer for a 'date' and then told him he looked like a 'junky.' She offered to get him pills, 'weed', 'smack', or anything he wanted. He ordered one 'paper' of 'smack' or heroin for \$10.00 and told the woman he would have to go get the money. Though there is some conflict in the testimony as to appellant's position in the lounge, the agents estimated he was approximately ten feet away from their table at the time of the transaction and the jukebox was not playing.

The agents went to the courthouse to obtain the money. When they returned, they say the appellant leaving. Upon their entry into the lounge, J. D. Haywood asked if they were the ones who had made arrangements with Terry Murlough and, upon receiving an affirmative answer, went to a machine and removed several 'papers' and sold them one 'paper' of a substance later shown to be heroin.²

The next day, November 25, Messer and one Sullivan returned to the lounge, contacted the Murlough woman and gave her \$30.00 for more heroin. She kept stalling on the delivery of the same and finally the agents followed her from the lounge to appellant's apartment nearby where the appellant 'ran' the agents off. They waited across the street until the appellant, Kathy Bolden, J. D. Haywood and Terry Murlough left the apartment and got into

you may call your next witness. MR. POWELL: Dr. John Moran, your Ho...

See More Briefs

Trial Court Documents

Garcia v. Exxon Mobil Corp.

2017 WL 8676949.
Edna GARCIA, individually and as Personal Representative of the Heirs and Estate of Robert Garcia, Sr., Deceased, Plaintiff, v. EXXON MOBIL CORPORATION, et al., Defendants.
District Court of Texas.
Apr. 10, 2017

...BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE TO THE HONORABLE JUDGE OF SAID COURT: COME NOW, Defendants Exxon MOBIL CORPORATION f/k/a Exxon Corporation, SeaRiver Maritime, Inc., and SeaRiver Maritime Financ...

State v. Richardson

1988 WL 1525385
The State of Texas, v. Damon Jerome RICHARDSON.
District Court of Texas.
Aug. 11, 1988

...TO THE HONORABLE JUDGE OF SAID COURT: COMES NOW DAMON JEROME RICHARDSON, Defendant in the above entitled and numbered cause, and moves the Court, pursuant to Article 39.14 of the Code of Criminal Proce...

State v. Clark

1993 WL 13633859
The State of Texas, v. James Lee CLARK.
District Court of Texas.
Oct. 06, 1993

...TO THE HONORABLE JUDGE OF SAID COURT: Now comes JAMES LEE CLARK, Defendant in the above entitled and numbered cause, by and through his attorney of record, RICHARD S. PODGORSKI, and under the authority...

See More Trial Court Documents

a car. The agents then approached the car and demanded their money or the 'dope.' At this point, appellant got out of the car, pulled a pistol and ordered the undercover agents away.

On November 27, 1970, Messer and other officers executed a search warrant at the Blue Note Lounge. Only J. D. Haywood and Terry Murlough were present. In the cash register they found a substance later shown to be heroin. After this discovery, they observed the appellant on the sidewalk a half of block away walking toward the lounge. He was arrested.

Terry Murlough, who admitted she was a prostitute and a dope addict and had been convicted of shoplifting and passing hot checks, testified for the State. She related that shortly before the events in question she had come to Corpus Christi with J. D. Haywood and they made contact with Kathy Bolden with whom the appellant lived and that prior to November 24 the four of them had gone to San Antonio where the appellant purchased heroin which he and J. D. Haywood 'papered.' She admitted that she made arrangements for the sale of heroin to Messer and Williams on November 24 and that the next day she 'burned' Messer by taking his money and failing to deliver the heroin. She related another trip was made to San Antonio where the appellant purchased more heroin which was again 'papered' by the appellant and Haywood. She related that she was present on November 27 when the search warrant was executed and that she and Haywood had access to and control over the cash register when they were in the lounge alone, that the appellant had control when he was present, and that Kathy Bolden had control whenever she was present.

To corroborate this accomplice witness, the State offered the testimony of De Sha, the polygraph operator, that when questioned about his part in the sale on November 24, and the possession of the narcotics in the cash register, the appellant gave deceptive answers. Cauty, his supervisor, also testified from the chart made by De Sha that the appellant's answers were deceptive.

The court charged on the law of principals but gave no limiting instructions on the polygraph testimony.

No machine or device has perhaps caused greater controversy among 'experts', judges, lawyers, physicians, psychologists, government officials, and the public in general than the polygraph or lie-detector machine.

No reported Texas decision has described the machine and it is perhaps well to do so here.

'The polygraph machine ordinarily consists of a cardiograph which registers pulse rate, a sphygmograph which measures blood pressure, a pneumograph which measures respiration, and usually a galvanometer which measure electrodermal responses. The theory for using the polygraph to detect lies is that the act of lying causes conscious conflict in the mind of the examinee, which produces an emotion of fear or anxiety, manifested by fluctuations in pulse rate, blood pressure, breathing, and perspiration.' *Pulakis v. State*, 476 P.2d 474, 477—478 (Alaska Sup.1970).

See also *Henderson v. State*, 94 Okl.Crim. 45, 230 P.2d 495, 501 (1951); *State v. Valdez*, 91 Ariz. 274, 371 P.2d 894, 895 (1962); Kleinfeld, *The Detection of Deception—A Re sume*, 8 Fed.B.J. 153 (1947); Skolnick, *Scientific Theory and Scientific Evidence: An Analysis of Lie-Detection*, 70 Yale L.J. 694, 699—700 (1961).

In the leading case of *Frye v. United States*, 54 App.D.C. 46, 293 F. 1013, 1014 (1923), the Court said of the expert testimony based on a test of blood pressure fluctuations (really a monograph rather than a polygraph):

'... Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well-recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs.

We think the systolic blood pressure deception test has not yet gained such standing and scientific recognition among physiological and psychological authorities as would justify the courts in admitting expert testimony deduced from the discovery, development, and experiments thus far made.'³

In 1933 in *State v. Bohner*, 210 Wis. 651, 658, 246 N.W. 314, 317, 86 A.L.R. 611, the Wisconsin Supreme Court wrote:

'We are not satisfied that this instrument, during the ten years that have *210 elapsed since the decision in the Frye Case, has progressed from the experimental to the demonstrable stage. . . .' 246 N.W. at 317.

And, in *Henderson v. State*, 94 Okl.Crim. 45, 230 P.2d 495, 23 A.L.R.2d 1292 cert. den. 342 U.S. 898, 72 S.Ct. 234, 96 L.Ed. 673 (1951), the court, after an exhaustive review of existing authority on the reliability of lie-detector and truth serum tests, concluded:

' . . . It is therefore apparent that the efficacy of neither the lie detector or the truth serum test have gained that standing and scientific recognition nor demonstrated that degree of dependability to justify the courts in approving their use in the trial of criminal cases. Therefore, the trial court was not in error in sustaining the state's objection to the defendant's tender of the results of such test to which he contends he consented.' 230 P.2d at 506.

And, ten years thereafter, a New Jersey appellate court observed,

' . . . that there is not a single reported decision where an appellate court has permitted the introduction of the results of the polygraph or lie-detector test as evidence in the absence of a sanctioning agreement or stipulation between the parties. . . .' *State v. Arnwine*, 67 N.J.Super. 483, 495, 171 A.2d 124, 131 (1961).⁴

This court has followed the almost unanimous view of American courts concerning the admissibility of the results of a polygraph test.

In *Lee v. State*, 455 S.W.2d 316, 321 (Tex.Cr.App.1970), this court wrote:

'It has been the consistent holding of this Court that evidence of the results of a lie detector or polygraph test is not admissible on behalf of either the State or the defendant.'

See *Renesto v. State*, 452 S.W.2d 498 (Tex.Cr.App.1970); *Hart v. State*, 447 S.W.2d 944 (Tex.Cr.App.1970); *Wall v. State*, 417 S.W.2d 59 (Tex.Cr.App.1967); *Placker v. State*, 171 Tex.Cr.R. 406, 350 S.W.2d 546 (Tex.Cr.App.1961); *Stockwell v. State*, 164 Tex.Cr.R. 656, 301 S.W.2d 669 (Tex.Cr.App.1957); *Peterson v. State*, 157 Tex.Cr.R. 255, 247 S.W.2d 110 (Tex.Cr.App.1951), rehearing denied 157 Tex.Cr.R. 255, 248 S.W.2d 130 (Tex.Cr.App.1952). See also *Davis v. State*, 165 Tex.Cr.R. 456, 308 S.W.2d 880 (1958); *Nichols v. State*, 378 S.W.2d 335 (Tex.Cr.App.1964). And, in *Watkins v. State*, 438 S.W.2d 819, 822 (Tex.Cr.App.1969), the court noted such results were not admissible for any purpose for either the State or defense.

Judicial reluctance to accept the admissibility of polygraph test results continues. The courts have been particularly sensitive to the potential sources of error in the ascertainment of error through polygraph examinations. In *Henderson v. State*, 230 P.2d 495, 501—502 (1951), the Oklahoma Court of Criminal Appeals noted five factors responsible for error in these examinations: (1) emotional tension, (2) physiological abnormalities, (3) mental abnormalities, (4) unresponsiveness in a lying or guilty subject, and (5) unobserved muscular movements which produce ambiguities or misleading indications in the blood pressure tracing. See also *Commonwealth v. Fatalo*, 346 Mass. 266, 191 N.E.2d 479 (1963).

And not to be overlooked as a potential source of error is the competency of the examiner. See *211 Highleyman, *The Deceptive Certainty of the 'Lie Detector'*, 10 Hastings L.J. 47, 51—61 (1958). Also, frequently mentioned is the supposed tendency of the trier of the facts to treat polygraph evidence as conclusive on the issue of the guilt of the accused, the lack of standardization of test procedures, and the difficulty for jury evaluation of examiners' opinions. See *State v. Valdez*, supra. See also 'Don't Trust the Lie Detector,' *Harv.Bus.Rev.* (1962), written by Sternbach, Gustafson, and Collier.

The courts have not been free from criticism for their reluctance to accept the results of lie-detector tests into evidence. See, i.e., *Ferguson, Polygraphy v. Outdated Precedent*, 35 Texas B.J. 531 (1972). And, in this state, efforts to license polygraph examiners and standardize procedures have been made. See Article 4413 (29cc), *Vernon's Ann.Civ.St.*

Only recently, two federal courts, after conducting extensive hearings on the present reliability of polygraph tests, found that such testing is now generally accepted by authorities in the field and is capable of producing highly probative evidence in a court of law when properly used by competent experienced examiners. *United States v. Ridling*, 350 F.Supp. 90 (U.S.D.C., E.D.Mich.S.D., Oct 6, 1972); *United States v. Zeiger*, 350 F.Supp.

685 (U.S.D.C., D.C., Oct. 10, 1972).⁵ It is to be observed, however, that the Zeiger decision was reversed without opinion by the United States Court of Appeals, District of Columbia Circuit, 475 F.2d 1280 (Nov. 9, 1972), apparently rejecting the earlier holding that polygraph testing has emerged from the scientific 'twilight zone.'

While we are aware of efforts to promote the reliability of polygraph tests and of the claims that they are now more reliable than before, we are convinced at this time that we should adhere to the general rule of exclusion.

Despite the general rule of exclusion, there was a hint in some of the earlier cases that a stipulation or agreement would permit the introduction of the otherwise taboo evidence. See, i.e., *State v. Arnwine*, supra; *Colbert v. Commonwealth*, 306 S.W.2d 825, 71 A.L.R.2d 442 (Ky.App.1957).

There is a split of authorities, however, among the various jurisdictions as to whether a valid stipulation will authorize the admission of the results of a polygraph test. While reaffirming the general rule of exclusion or inadmissibility, some jurisdictions permit the introduction of the results of such a test if there is a valid stipulation, with most providing some judicial safeguards. See *State v. Valdez*, supra; *People v. Houser*, 85 Cal.App.2d 686, 193 P.2d 937 (1948); *People v. Davis*, 270 Cal.App.2d 841, 76 Cal.Rptr. 242 (1969); *State v. Brown*, 177 So.2d 532 (Fla.App.2d 1965); *State v. Freeland*, 255 Iowa 1334, 125 N.W.2d 825 (1964); *State v. Galloway*, 167 N.W.2d 89 (Iowa Sup.1969); *State v. Lowry*, 163 Kan. 622, 185 P.2d 147 (Kan.Sup.1947). Cf. *Orange v. Commonwealth*, 191 Va. 423, 61 S.E.2d 267 (1950). See also *State v. McNamara*, 252 Iowa 19, 104 N.W.2d 568 (1960); *State v. Fields*, 434 S.W.2d 507 (Mo.Sup.1968); *State v. Ross*, 7 Wash.App. 62, 497 P.2d 1343 (1972); *State v. McDavitt*, 62 N.J. 36, 297 A.2d 849 (N.J.Sup.1972).

Other jurisdictions have found the results of such tests inadmissible despite the stipulation holding the waiver is not binding. See *Le Fevre v. State*, 242 Wis. 416, 8 N.W.2d 288 (1943); *State v. Trimble*, 68 N.M. 406, 362 P.2d 788 (1961); *People v. Potts*, 74 Ill.App.2d 301, 220 N.E.2d 251 (1966); *People v. Zazzetta*, 27 Ill.2d 302, 189 N.E.2d 260 (1963) and *Pulakis v. State*, supra.

*272 In those cases sanctioning the use of stipulation, the courts appear to rely upon the proposition that the parties to the cause are permitted to stipulate evidence, even inadmissible evidence, upon the theory of waiver. In *State v. Fields*, 434 S.W.2d 507, 513 (Mo.Sup.1968), the court said:

'... It would be almost unthinkable to permit defendant now to reverse his position and oppose the reception of this evidence for the sole reason that the results were not favorable to him. ...'

In *State v. McNamara*, 252 Iowa 19, 104 N.W.2d 568 (1960), the court wrote:

'... In view of her agreement made with the approval of her able attorney she should not now be permitted to retract her agreement because the test proved unfavorable to her.' 104 N.W.2d at 574.

Most cases go further and recognize that while much remains to be done to perfect the polygraph test, it has developed into a state in which its results are probative enough to warrant admissibility upon stipulation subject, however, to certain qualifications. In *State v. Valdez*, supra, the Arizona Supreme Court held that 'qualifications' included (1) a written stipulation between the defendant and his attorney and the prosecuting attorney providing for submission to the test and the subsequent admission of graphs and examiner's opinion at the trial on behalf of either defendant or the state; (2) that notwithstanding the stipulation the admissibility of the results of the test are subject to the discretion of the trial court; (3) that if graphs and examiner's opinion are offered in evidence the opposing party shall have the right to cross examine the examiner respecting

- (a) the examiner's qualifications and training;
 - (b) the conditions under which the test was administered;
 - (c) the limitations of and possibilities for error in technique of polygraphic interrogation; and
 - (d) at the discretion of the trial judge, any other matter deemed pertinent to the inquiry.
- (4) that if such evidence is admitted, the trial judge should instruct the jury that the examiner's testimony does not tend to prove or disprove any element of the crime with which the defendant is charged but at most tends only to indicate that at the time of the

examination the defendant was not telling the truth, and for the jury to be instructed that it is for them to determine what corroborative weight and effect such testimony should be given.

These 'qualifications' from Valdez were adopted by the Washington Court of Appeals, Div. 3, in *State v. Ross*, 7 Wash.App. 62, 497 P.2d 1343 (1972).⁶

Similar qualifications were required in *Sate v. McDavitt*, 62 N.J. 36, 297 A.2d 849 (1972), by the New Jersey Supreme Court. There the court required that the stipulation be clear, unequivocal and complete, freely entered into with full knowledge of the right to refuse the test and the consequences involved in taking it. It must further appear that the examiner is qualified and the test administered in accordance with established polygraph techniques. Further, the jury must be instructed that such evidence is not direct proof of a defendant's guilt or innocence of the crime charged, but is opinion evidence which tends only to indicate whether or not the subject was telling the truth when tested, and that it is for the jury to decide what weight and effect such evidence should be given.

Those courts refusing to sanction the use of stipulations appear to do so upon the *213 basis that if the polygraph tests are as unpredictable, and misleading as the courts are so certain they are, then their reliability and usefulness to the court and jury remain the same, regardless of whether they are admitted by stipulation or not.

In *Le Fevre v. State*, 242 Wis. 416, 8 N.W.2d 288 (1943), there was a stipulation, but the Wisconsin Supreme Court simply held that the results of a lie-detector test offered by the defendant were not admissible, citing *State v. Bohnner*, 210 Wis. 651, 246 N.W. 314 (1933). There was no discussion of the effect of the stipulation.

In *State v. Trimble*, 68 N.M. 406, 362 P.2d 788 (1961), the New Mexico Supreme Court held that the fact that the defendant had signed a waiver did not alter the rule regarding admissibility of the results of lie-detector tests.

Further, in *Conley v. Commonwealth*, 382 S.W.2d 865 (Ky.App.1964), the Kentucky Court of Appeals wrote:

'... Furthermore, since we are holding lie-detector results inadmissible, the written agreement that such might be introduced was not binding.' 382 S.W.2d at 867.

In *Stone v. Earp*, 331 Mich. 606, 50 N.W.2d 172 (1951) (a civil case in which results of a lie-detector test were rejected), the court said:

'We are not unmindful of the fact that at the direction of the trial court, the parties agreed to submit to the tests, but whether by voluntary agreement, court direction, or coercion, the results of such tests do not attain the stature of competent evidence. . . .' 50 N.W.2d at 174.

In *People v. Zazzetta*, 27 Ill.2d 302, 189 N.E.2d 260 (1963), the Supreme Court of Illinois said:

'... While a defendant may understandingly stipulate to much in a criminal trial, and may waive many objections, we think it manifestly unfair to bind him by a stipulation regarding the trustworthiness of scientific opinion far beyond his expected ken. . . .'

These cases take the position that it is inconsistent for a court to affirm the unreliability of lie-detector tests and at the same time admit into evidence the results of a stipulated test.

In *Pulakis v. State*, 476 P.2d 474, 479 (Alaska Sup.1970), the court, after reviewing numerous authorities, wrote:

'On the basis of our study of the judicial authority and academic literature in this area, we conclude that the results of polygraph examinations should not be received in evidence over objection. Even if no objection has been tendered, the trial court ordinarily should reject such evidence. A stipulation for admission does not increase the reliability of polygraph results and therefore should not lead to any deviation from the exclusionary policy.' (Emphasis mine.)

In the instant case, we conclude as did the Alaska Supreme Court in *Pulakis* that, based on our study, the results of polygraph tests should not be received into evidence, over objection, even if there had been a prior agreement or stipulation. Such stipulation does nothing to enhance the reliability of such evidence when offered by either side on the issue of the guilt or innocence of the accused.

The State in its brief relies upon *State v. Valdez*, supra, contending that most of the 'qualifications' required there were required here as well. The State does acknowledge, however, that one of the qualifications was missing—that the trial court did not instruct the jury that such evidence is not direct evidence of guilt or innocence but evidence which tends only to indicate whether or not the subject was telling the truth when tested, etc. See, also, *State v. McDavitt*, supra.

In view of our holding, we need not decide whether the stipulation entered was a valid one or what qualifications are essential, *214 or whether the privilege against self-incrimination was involved, etc. We do note that while the appellant was represented by counsel, there was no showing that appellant was warned of his right to refuse such test, etc., or any express waiver of his constitutional rights. In view of the previous holdings of this court and the fact that it was undisputed that appellant had taken drugs a few hours earlier, the fact that the examiner was only an intern at the time, and that there was a claim of misrepresentation involved, the stipulation should certainly have been suspect to the trial court.

In the event of a re-trial, every effort should be made to prevent the appellant from appearing in the presence of the jury in handcuffs. If, for security reasons, handcuffs or shackles are necessary, the trial judge should have the record clearly reflect the reasons therefor. See *Ex parte Slaton*, 484 S.W.2d 102 (Tex.Cr.App.1972).

For the reasons stated, the judgment is reversed and the cause remanded. .

All Citations

493 S.W.2d 206

Footnotes

- 1 See Article 4413(29cc), Vernon's Ann.Civ.St.
- 2 See *Haywood v. State*, 482 S.W.2d 855 (Tex.Cr.App.1972).
- 3 Cases following the rule announced in the *Frye* case are numerous. Most are collected at 34 A.L.R. 147, 86 A.L.R. 616, 119 A.L.R. 1200, 139 A.L.R. 1174, 23 A.L.R.2d 1306. See also 41 A.L.R.3d 1369.
- 4 See, however, *People v. Kenny*, 167 Misc. 51, 3 N.Y.S.2d 348 (1938), which, at the time of the *Arnwine* decision, was where lie detector evidence was admitted in absence of a stipulation. It was possibly obliterated by *People v. Forte*, 279 N.Y. 204, 18 N.E.2d 31, 119 A.L.R. 1198, a decision of the New York Court of Appeals in the same year. See *People v. Ford*, 304 N.Y. 679, 682, 107 N.E.2d 595, 597 (1952).
- 5 See also *People v. Cutler*, 12 Cr.L.R. 2133 (Nov. 6, 1972), where a California Superior Court held admissible expert defense testimony about the favorable results of a polygraph test regarding the conflict between the defendant's and the police officer's testimony concerning the defendant's consent to search in question.
- 6 For an exhaustive agreement or stipulation reflecting warnings, i.e., right to silence, and waiver of constitutional rights, see footnote #1 of the *Ross* decision.

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FILED

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2019 JAN 18 PM 3:13
IN THE DISTRICT COURT OF
MIDLAND COUNTY, TEXAS
JESSICA ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY _____ DEPUTY

THE STATE OF TEXAS

VS.

SEBSTIAN ALEXANDER ZAPATA

§
§
§

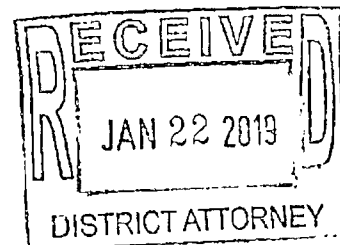
NO. CR51328

ORDER APPOINTING ATTORNEY

On January 18, 2019 the Court determined that ALVARO MARTINEZ a
licensed attorney, is hereby appointed to represent the Defendant in the above
cause.

DATED: January 18, 2019.


JUDGE PRESIDING



FILED

2019 MAR 29 PM 2: 22

IN THE 238TH JUDICIAL DISTRICT COURT OF
MIDLAND COUNTY, TEXAS

BY: _____

STATE OF TEXAS

VS.

NO. CR51328

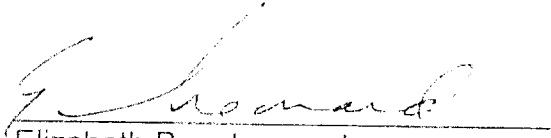
SEBASTIAN ALEXANDER ZAPATA

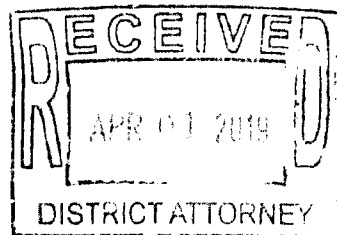
ORDER APPOINTING COUNSEL ON APPEAL

On March 29, 2019, the Court finds that the defendant should be granted Court-Appointed Counsel on Appeal.

IT IS FURTHER ORDERED that WAYNE FROST, a practicing attorney, is hereby appointed to represent the Defendant on appeal.

DATED: March 29, 2019.


Elizabeth Byer Leonard
Presiding Judge



[Handwritten notes and signatures]
def (gme)
W Frost (enrolled)
4/1/19

FILED

2019 APR -1 PM 1:50

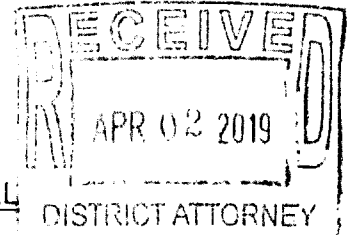
IN THE 238TH JUDICIAL DISTRICT COURT OF TEXAS
MIDLAND COUNTY, TEXAS

STATE OF TEXAS

VS.

NO. CR51328

SEBASTIAN ALEXANDER ZAPATA



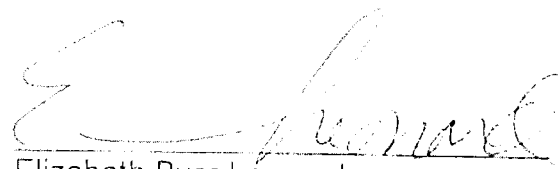
ORDER APPOINTING COUNSEL ON APPEAL

On April 1, 2019, the Court finds that the defendant should be granted Court-Appointed Counsel on Appeal.

On this day it has come to the Court's attention that WAYNE FROST was appointed previously on the criminal case for the above-named defendant.

IT IS THEREFORE ORDERED that WAYNE FROST should be withdrawn from the above styled and numbered cause and that BRENT MORGAN, a licensed attorney, should be and is hereby substituted to represent the Defendant in the above cause on appeal.

DATED: April 1, 2019.


Elizabeth Byer Leonard
Presiding Judge

✓ w. J. Morgan (att. & c)

THE STATE OF TEXAS

VS

**SEBASTIAN ALEXANDER
ZAPATA**

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§

IN THE

DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

FILED

2018 FEB 22 PM 3:44

ROSS E. HSH. DISTRICT CLERK
MIDLAND COUNTY, TEXAS

BY _____ DEPUTY

Offense: **ONLINE SOLICITATION OF A MINOR-F2**

ORDER APPOINTING COUNSEL

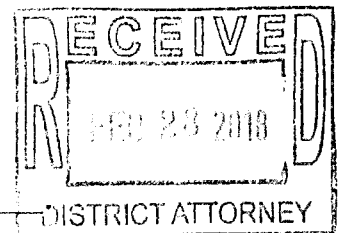
ON THIS DAY, came on for consideration the need for counsel to be appointed to represent Defendant in the instant cause. The court is of the opinion Defendant needs counsel in this case and, after considering Defendant's affidavit regarding indigence, the court is of the opinion Defendant is without sufficient financial means to employ an attorney to represent him/her in this matter.

IT IS ORDERED that Wayne Frost, a practicing attorney, is hereby appointed to represent the Defendant in this case and such attorney shall represent Defendant until (1) a judgment of conviction, acquittal or dismissal is signed; (2) post trial proceedings are completed; (3) an appeal is exhausted; (4) the attorney is removed by the court in accordance with the Midland County Indigent Defense Plan; or (5) the attorney is replaced by other counsel.

Please see the Midland County Indigent Defense Rules for requirements of appointed counsel.

You may come to the District Clerk's office to obtain a copy of the paperwork that has been filed in the District Clerk's office in this case.

Signed this 22 day of Feb, 20 18



Rodney W. Lattinwhite
JUDGE PRESIDING

NO. CR-51,328

STATE OF TEXAS

vs.

SEBASTIAN ALEXANDER ZAPATA

§ IN THE DISTRICT COURT
§
§ 238TH JUDICIAL DISTRICT
§
§ MIDLAND COUNTY, TEXAS

LH
FILED
2019 MAR 28 PM 3:35
ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY IRENE OLGIN DEPUTY

ORDER FOR RELEASE OF CASH BOND

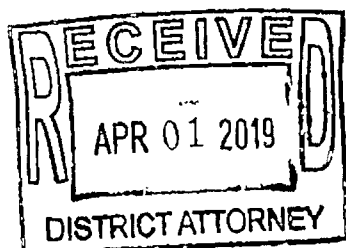
On this day came on to be considered the Motion for Release Cash Bond in the amount of \$50,000.00 in the above styled and numbered cause. The Court finds that the Cash Bond has never been forfeited and said Defendant has satisfied all conditions of said bond.

IT IS THEREFORE ORDERED that the Clerk release or refund the Cash Bond pursuant to CCP 17.02;

IT IF FURTHER ORDERED that the Clerk Withdraw the Administrative Fee in Accordance with LGC 117.005; and

IT IS FURTHER ORDERED that the check be made out to the Defendant's mother, ARACELY SALINAS YATES.

J. Leonard
JUDGE PRESIDING



I hereby certify that copies of the foregoing instrument were delivered to:
✓ District Attorney _____
Probation _____
Jail _____ ✓ Bookkeeper _____
Sheriff _____
Bondsman _____
Attorney Archuleta _____
Alex Archuleta, District Clerk
By Deputy Irene Olgin _____

IRENE OLGIN

3/28/19

UH

FILED

CR51328

STATE OF TEXAS
VS.
SEBASTIAN ZAPATA

§
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§
§
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IN THE DISTRICT COURT
OF
MIDLAND COUNTY, TEXAS

2018 JUL 31 PM 1:27
ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY _____ DEPUTY

ORDER GRANTING SUBSTITUTION OF COUNSEL

On this the 31 day of July, 2018, came on to be considered Defendant's Motion For Substitution of Counsel. The Court after considering such Motion, finds that it should be granted in all things.

IT IS THEREFORE ORDERED that Edward Shelby, be and is hereby replaced as the attorney of record for the Defendant, SEBASTIAN ZAPATA, by Thomas S. Morgan.

SIGNED on this the 31 day of July, 2018.


JUDGE PRESIDING

FILED

2019 JAN 11 PM 1:44

LH

IN THE 238TH JUDICIAL DISTRICT COURT OF ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS MIDLAND COUNTY, TEXAS

BY _____ DEPUTY

IN THE MATTER OF

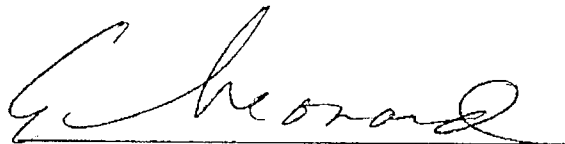
NO. CR51328

SEBASTIAN ALEXANDER ZAPATA

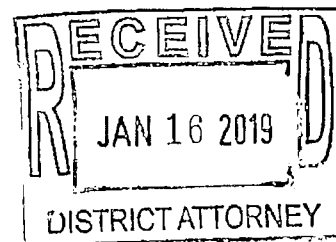
ORDER ON MOTION TO WITHDRAW AS COUNSEL

IT IS THE ORDER OF THE COURT that the Motion to Withdraw as Counsel
filed by Tom Morgan in the above-styled cause is GRANTED.

SIGNED: January 11, 2019.



ELIZABETH BYER LEONARD
JUDGE PRESIDING



CR51328

2019 MAR 11 PM 1:14 BY

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

§

V.

§

238TH JUDICIAL DISTRICT

§

SEBASTIAN ALEXANDER ZAPATA

§

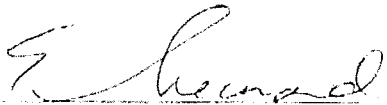
VIRGINIA PILLADO
MIDLAND COUNTY, TEXAS

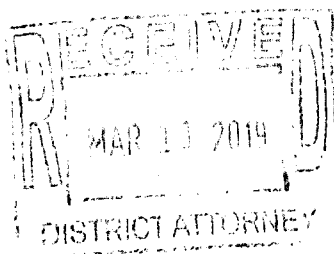
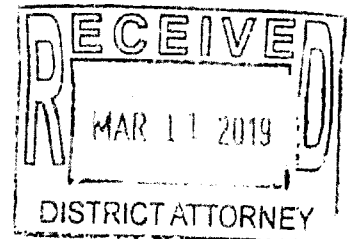
ORDER ON STATE'S
MOTION FOR CONTINUANCE

On this day came on for consideration the State's motion for a continuance of the trial of this cause and having considered, the same the Court is of the opinion that the said motion for continuance should be GRANTED (DENIED).

It is, therefore, **CONSIDERED, ORDERED AND DECREED** that the State's Motion for Continuance of the TRIAL in this cause be and is, hereby GRANTED (DENIED).

Signed this the 5th day of March, 20 19.


JUDGE PRESIDING
238TH DISTRICT COURT
MIDLAND COUNTY, TEXAS



I hereby certify that copies of the foregoing instrument were delivered to:

✓ District Attorney _____
Probation _____
Jail _____
Sheriff _____
Bondsman _____
✓ Attorney A. Martinez
Alex Archuleta, District Clerk
By Deputy Virginia Pillado
2.8.19

FILED
NO. CR3-1328

THE STATE OF TEXAS

2019 MAR 29 PM 2:23 DISTRICT COURT

V.

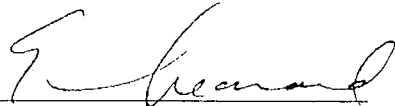
ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

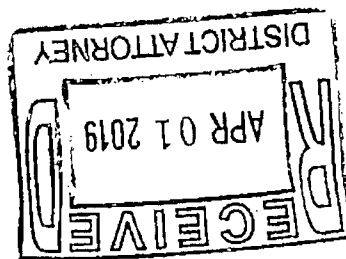
SEBASTIAN ALEXANDER ZAPATA * MIDLAND COUNTY, TEXAS
BY IRENE OLGIN

ORDER SETTING HEARING
ON MOTION TO SET BOND WHILE CASE IS PENDING APPEAL

It is, **ORDERED** that a hearing on the State's Motion for Continuance is set on the 4
day of April, 20 19 at 9:30 (a.m.) (p.m.).

Signed this the 29 day of March, 20 19.


JUDGE PRESIDING
238TH DISTRICT COURT
MIDLAND COUNTY, TEXAS



I hereby certify that copies of the foregoing
instrument were delivered to:

☒ District Attorney
☒ Probation dep (just)
☒ Jail
☒ Sheriff
☒ Bondsman
☒ Attorney W Just (mailed)
Alex Archuleta, District Clerk
By Deputy IRENE OLGIN

IRENE OLGIN

4/1/19

LH

FILED

CR51328

STATE OF TEXAS §
VS. §
SEBASTIAN ALEXANDER ZAPATA §

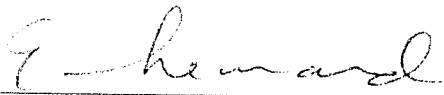
2018 JUN 29 PM 5:10
IN THE DISTRICT COURT OF
MIDLAND COUNTY, TEXAS
238TH JUDICIAL DISTRICT
ALEX ARCHULETA
TAMARA DAWSON

ORDER SUBSTITUTING COUNSEL

ON THIS DAY, the Court considered the advisability of substituting counsel to replace counsel previously appointed in this case to represent the defendant. After the Court appointed counsel to represent defendant in this matter, such counsel has requested to be allowed to withdraw as counsel of record due to a conflict. After consideration of the request, the Court is of the opinion such substitution should be made.

IT IS ORDERED that ED SHELBY shall be substituted as counsel for Defendant, and that WAYNE FROST is discharged as counsel in this cause with no further duties or obligations in this matter.

SIGNED: June 29, 2018.


ELIZABETH B. LEONARD
JUDGE PRESIDING

I hereby certify that copies of the foregoing instrument were delivered to:

District Attorney _____
Probation _____
Jail _____
Sheriff _____
Bondsman _____
Attorney _____

Ed shelby & wayne frost emailed
Alex Archuleta, District Clerk
By Deputy Tamara Dawson
6/29/18

NO. CR51328

FILED


2019 MAR 28 PH 3:13

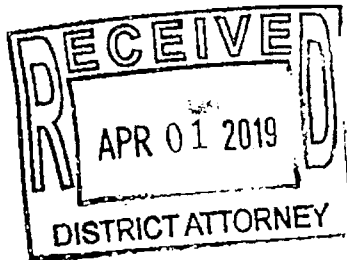
STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
vs.	§	238 th JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

ORDER

On March 28, 2019, came on to be considered Alvaro Martinez Jr.'s Motion to Withdraw as Counsel, and said motion is hereby (Granted) ~~(Denied)~~.


IT IS FUTHER ORDERED that ALVARO MARTINEZ, JR., provide DEFENDANT a paper copy of DEFENDANT's criminal file.


JUDGE PRESIDING



I hereby certify that copies of the foregoing instrument were delivered to:

✓ District Attorney _____
Probation _____
Jail det (jail) _____
Sheriff _____
Bondsmen _____
Attorney A Martinez _____

Alex Archuleta, District Clerk
By Deputy 

IRENE OLGIN



BRIAN QUINN
Chief Justice

JAMES T. CAMPBELL
Justice

PATRICK A. PIRTLE
Justice

JUDY C. PARKER
Justice

Court of Appeals

Seventh District of Texas
Potter County Courts Building
501 S. Fillmore, Suite 2-A
Amarillo, Texas 79101-2449
www.txcourts.gov/7thcoa.aspx

VIVIAN LONG
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

(806) 342-2650

June 3, 2019

Brent A. Morgan
Attorney at Law
415 West Wall Street, Suite 1412
Midland, TX 79701
* DELIVERED VIA E-MAIL *

Laura Nodolf
District Attorney
Eric Kalenak
Assistant District Attorney
500 North Loraine Street, Suite 200
Midland, TX 79701
* DELIVERED VIA E-MAIL *

RE: Case Number: 07-19-00122-CR
Trial Court Case Number: CR51328

Style: Sebastian Alexander Zapata v. The State of Texas

Dear Counsel:

The following was filed June 03, 2019, in the captioned appeal:

Reporter's Record (5 volumes)

Very truly yours,

Vivian Long

VIVIAN LONG, CLERK

xc: Honorable Rodney W. Satterwhite (DELIVERED VIA E-MAIL)
Honorable Elizabeth Leonard (DELIVERED VIA E-MAIL)
Monica Lancaster (DELIVERED VIA E-MAIL)
Alex Archuleta (DELIVERED VIA E-MAIL)
Kimberly Julian (DELIVERED VIA E-MAIL)

IN THE 238th JUDICIAL DISTRICT COURT
MIDLAND COUNTY, TEXAS

FROST
Lacey

STATE OF TEXAS

VS.

NO. CR51328

SEBASTIAN ALEXANDER ZAPATA

SCHEDULING ORDER

The following dates control the disposition of this case pursuant to article 28.01 and 33.03, CCP.

ORDER FOR DISCOVERY

The Court recognizes that the District Attorney of Midland County, Texas has an "open file policy" and makes the file available on Techshare. The Court expects the attorney for the defendant to review the file at the earliest time possible. **The acknowledgment required by Art. 39.14(j) is due at Final Pretrial.**

PRETRIAL MOTIONS

All Pre-trial Motions MUST be filed with the Court on or before the 21st day following the date of arraignment, except standard Motions in Limine. The Court does not consider Motions in Limine which are used in lieu of Suppression Motions as "standard Motions in Limine" and motions of this character must be filed as provided for Pre-trial motions.

The Court will NOT entertain late filed motions, except for good and adequate cause shown by affidavit.

The Defendant and counsel for defendant must be present at the first and final pre-trial conference.

FIRST PRETRIAL CONFERENCE

Pursuant to Article 28.01 of the CCP, a first pretrial conference is scheduled on **May 4, 2018 at 10:45 a.m.**

The purpose of the conference is to review the pending motions, schedule a hearing on any controverted or evidentiary matters, and issue such other orders as the Court deems necessary. Prior to this hearing the State shall advise the Defendant of the terms of any plea offer. **At this hearing the Defendant shall accept or reject any plea offer of Community Supervision. The acceptance of Community Supervision will be contingent upon agreeing to terms of Community Supervision as determined after a Pre-Sentence Investigation Report and before Final Pretrial.** ★★★★★

FINAL PRETRIAL CONFERENCE

Final pre-trial conference is scheduled on **June 8, 2018 at 10:45 a.m.**

The State's attorney and defense attorney should complete pre-trial negotiations **in advance** of the Final Pretrial Conference.

Final Pretrial Conference is the deadline to accept or reject a plea agreement. **The acknowledgement required by Art. 39.14 (j) shall be filed at or before the Final Pretrial Conference.**

NO PLEA AGREEMENT WILL BE ACCEPTED BY THE COURT AFTER THE FINAL PRETRIAL CONFERENCE EXCEPT FOR GOOD CAUSE SHOWN. The Defendant may, subject to the Court's approval and the written approval of the State's attorney, waive a trial by jury and enter an open plea before the Court.

The State and the Defendant will be expected to announce "ready" or "not ready" on the indictment at the Final Pre-trial Conference.

TRIAL DATE

Jury trial is scheduled on **July 30, 2018 at 9:00 a.m.** Attorneys and the Defendant will be expected to be in the courtroom at 8:30 a.m. **All proceedings will be in the 238th District Courtroom.**

Dated: April 6, 2018.

Elizabeth B. Leonard
ELIZABETH B. LEONARD
JUDGE PRESIDING

Phone Examination Preview Report Properties

Selected Manufacturer:	Samsung GSM
Selected Model:	SM-G900A Galaxy S5
Detected Manufacturer:	samsung
Detected Model:	SAMSUNG-SM-G900A
Revision:	6.0.1 MMB29M G900AUCS4DQD1
IMEI:	353502062914179
MSISDN:	14329247122
ICCID:	89014103287007445426
IMSI:	310410700744542
Phone Date/Time:	16/02/2018 22:15:32 (GMT-6)
Connection Type:	USB Cable
UFED Version:	Product Version: 6.4.1.599 , Internal Build: 4.7.500.599 UFED
UFED S/N:	5924517

Note: This device is using client in order to communicate with UFED

For complete analysis and advanced reporting, open in UFED Physical/Logical Analyzer.

•Generic Extraction Notes:

+ZZ – Extracted phone time stamp time zone is expressed in quarters of an hour
Last IMEI digit might be incorrect. Please check manually on the device.

Phone SMS - Text Messages

[Back to index](#)

SMS MD5 Hash: 9C460008ACB40756C9E628AA6BFDC6D4

#	Number	Name	Date & Time	SMSC	Status	Folder	Storage	Type	Text
---	--------	------	-------------	------	--------	--------	---------	------	------

2588			16/05/2016 22:19:21 (GMT-5)						
2590			16/05/2016 22:20:51 (GMT-5)						
2591			16/05/2016 22:23:35 (GMT-5)						
2592			16/05/2016 22:24:18 (GMT-5)						
2593	8328552872	N/A	17/05/2016 01:58:33 (GMT-5)		Sent	Sent	Phone	Outgoing	Hello, Is this Yullisa?
2594	+18328552872	N/A	18/05/2016 09:46:18 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Yea
2595	+18328552872	N/A	18/05/2016 09:46:23 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Thia ia my
2596			18/05/2016 17:17:04 (GMT-5)						
2597			18/05/2016 17:17:57 (GMT-5)						
2598			18/05/2016 17:18:57 (GMT-5)						
2599			18/05/2016 17:20:14 (GMT-5)						
2600			18/05/2016 17:26:16 (GMT-5)						
2601	+18328552872	N/A	18/05/2016 19:41:46 (GMT-5)		Sent	Sent	Phone	Outgoing	hey, I saw your backpage ad, are you busy tonight
2602	+18328552872	N/A	18/05/2016 19:53:58 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	I'm available
2603	+18328552872	N/A	18/05/2016 19:54:43 (GMT-5)		Sent	Sent	Phone	Outgoing	Sweet. tell me about your self and anything I should know
2604	+18328552872	N/A	18/05/2016 19:55:18 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	I'm ts
2605	+18328552872	N/A	18/05/2016 19:55:46 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	You know that correct and please text wen you ready only to see my tenks
2606	+18328552872	N/A	18/05/2016 19:57:34 (GMT-5)		Sent	Sent	Phone	Outgoing	Yes I know, You're at a motel 6 right?
2607	+18328552872	N/A	18/05/2016 19:57:46 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	No
2608	+18328552872	N/A	18/05/2016 19:59:06 (GMT-5)		Sent	Sent	Phone	Outgoing	Where do we meet up?
2609	+18328552872	N/A	18/05/2016 19:59:29 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Ask all this wen you ready only tenks

2610	+18328552872	N/A	18/05/2016 20:00:00 (GMT-5)		Sent	Sent	Phone	Outgoing	ok, ill text back in less than an hour
2611	+18328552872	N/A	18/05/2016 20:00:17 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Great
2612	+18328552872	N/A	18/05/2016 21:02:27 (GMT-5)		Sent	Sent	Phone	Outgoing	ok, just got home and gonna take a real quick shower but after that im good to go
2613	+18328552872	N/A	18/05/2016 21:15:40 (GMT-5)		Sent	Sent	Phone	Outgoing	ok im ready
2614	+18328552872	N/A	18/05/2016 21:16:03 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Ok
2615	+18328552872	N/A	18/05/2016 21:17:14 (GMT-5)		Sent	Sent	Phone	Outgoing	ok, so now what?
2616	+18328552872	N/A	18/05/2016 21:28:15 (GMT-5)		Sent	Sent	Phone	Outgoing	Um...?
2617	+18328552872	N/A	18/05/2016 22:01:11 (GMT-5)		Sent	Sent	Phone	Outgoing	We still doing this?
2618	+12147809207	N/A	18/05/2016 22:07:44 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	919 E Koenig Ln, Austin, TX 78751
2619	+12147809207	N/A	18/05/2016 22:08:06 (GMT-5)		Sent	Sent	Phone	Outgoing	see you soon
2620	+12147809207	N/A	18/05/2016 22:08:49 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	K love
2621	+12147809207	N/A	18/05/2016 22:23:10 (GMT-5)		Sent	Sent	Phone	Outgoing	im here, what's the room number?
2622	+12147809207	N/A	18/05/2016 22:30:05 (GMT-5)		Sent	Sent	Phone	Outgoing	im around the 130s
2623	+12147809207	N/A	18/05/2016 22:34:16 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Ok im ready
2624	+12147809207	N/A	18/05/2016 22:34:40 (GMT-5)		Sent	Sent	Phone	Outgoing	130 right?
2625			19/05/2016 23:35:07 (GMT-5)						
2626	+12148015888	N/A	30/05/2016 11:27:14 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Hey man, it's Jordan from work, mind if i cover your shift today so I can make some extra cash?
2627	+12148015888	N/A	30/05/2016 11:35:19 (GMT-5)		Sent	Sent	Phone	Outgoing	Hell yea man
2628	+12148015888	N/A	30/05/2016 11:39:25 (GMT-5)	+13603399737	Read	Inbox	Phone	Incoming	Cool I'll be there
2629			04/06/2016 15:32:46 (GMT-5)						

3973			17/08/2017 18:52:47 (GMT-5)						
3974			18/08/2017 11:57:03 (GMT-5)						
3975	5128949370	N/A	19/08/2017 01:13:24 (GMT-5)		Sent	Sent	Phone	Outgoing	yo, saw your add, not sure what to call you. Can I schedule?
3976	+15128949370	N/A	19/08/2017 01:14:08 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Sure lol call me genesis
3977	+15128949370	N/A	19/08/2017 01:15:49 (GMT-5)		Sent	Sent	Phone	Outgoing	Hi genesis 😊 Is saturday around 1:30am cool?
3978	+15128949370	N/A	19/08/2017 01:16:25 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	I guess Sebastian
3979	+15128949370	N/A	19/08/2017 01:18:40 (GMT-5)		Sent	Sent	Phone	Outgoing	uh.. do we know eachother?
3980	+15128949370	N/A	19/08/2017 01:18:49 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	No i googled your #
3981	+15128949370	N/A	19/08/2017 01:20:35 (GMT-5)		Sent	Sent	Phone	Outgoing	that makes sense. alright well see you saturday night
3982			19/08/2017 12:13:11 (GMT-5)						
3983			19/08/2017 12:13:12 (GMT-5)						
3984			19/08/2017 12:13:24 (GMT-5)						
3985			19/08/2017 12:14:55 (GMT-5)						
3986	+		19/08/2017 12:15:56 (GMT-5)						
3987	+15128949370	N/A	19/08/2017 17:47:58 (GMT-5)		Sent	Sent	Phone	Outgoing	hey, sorry but im gonna have to cancel, I got called into work tonight
3988		*	20/08/2017 13:29:09 (GMT-5)						

3989			20/08/2017 13:29:11 (GMT-5)							
3990			20/08/2017 13:31:12 (GMT-5)							
3991			20/08/2017 13:31:17 (GMT-5)							
3992			20/08/2017 13:32:28 (GMT-5)							
3993			20/08/2017 13:32:33 (GMT-5)							
3994			20/08/2017 13:33:36 (GMT-5)							
3995			21/08/2017 09:32:32 (GMT-5)							
3996			21/08/2017 15:34:30 (GMT-5)							
3997			21/08/2017 15:34:40 (GMT-5)							
3998			21/08/2017 15:34:56 (GMT-5)							
3999			21/08/2017 15:35:06 (GMT-5)							
4000			21/08/2017 15:35:51 (GMT-5)							
4001			21/08/2017 15:46:37 (GMT-5)							
4002			21/08/2017 15:49:10 (GMT-5)							
4003	9158411257	N/A	22/08/2017 02:35:31 (GMT-5)		Sent	Sent	Phone	Outgoing	hi, is this chloe?	
4004	3234351287	N/A	22/08/2017 20:06:19 (GMT-5)		Sent	Sent	Phone	Outgoing	yo, is this melissa?	
4005			24/08/2017 11:27:10 (GMT-5)							
4006			26/08/2017 16:56:09 (GMT-5)							

4007			26/08/2017 16:56:13 (GMT-5)						
4008			26/08/2017 16:56:28 (GMT-5)						
4009	+13473054803	N/A	27/08/2017 02:08:45 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Yes
4010	3473054803	N/A	27/08/2017 02:09:06 (GMT-5)		Sent	Sent	Phone	Outgoing	yo, is this erica?
4011	+13473054803	N/A	27/08/2017 02:10:05 (GMT-5)		Sent	Sent	Phone	Outgoing	hey, I saw your add. can I request your time?
4012	+13473054803	N/A	27/08/2017 02:20:28 (GMT-5)		Sent	Sent	Phone	Outgoing	ill take that as a no
4013	+13473054803	N/A	27/08/2017 02:20:48 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	100-30min 200-hr
4014	+13473054803	N/A	27/08/2017 02:22:15 (GMT-5)		Sent	Sent	Phone	Outgoing	ill take thirty mins
4015	+13473054803	N/A	27/08/2017 02:22:15 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	What time
4016	+13473054803	N/A	27/08/2017 02:23:24 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Ok let me know when u ready
4017	+13473054803	N/A	27/08/2017 02:23:31 (GMT-5)		Sent	Sent	Phone	Outgoing	can we do it tonight around 3:30 or 4?
4018	+13473054803	N/A	27/08/2017 02:24:14 (GMT-5)		Sent	Sent	Phone	Outgoing	np babe
4019	+13473054803	N/A	27/08/2017 02:37:52 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	I take my time
4020	+13473054803	N/A	27/08/2017 02:37:58 (GMT-5)		Sent	Sent	Phone	Outgoing	im gonna be honest. I want to be bottom but its my first time and I'm afraid its just gonna hurt more than its gonna feel good when it goes in. so im a little nervous..
4021	+13473054803	N/A	27/08/2017 02:39:09 (GMT-5)		Sent	Sent	Phone	Outgoing	thats good to know. do I need to bring anything?
4022	+13473054803	N/A	27/08/2017 02:42:26 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Just donation
4023	+13473054803	N/A	27/08/2017 03:01:48 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	7261 Tres Hermanas Blvd Odessa, TX 79765 United States
4024	+13473054803	N/A	27/08/2017 03:02:04 (GMT-5)		Sent	Sent	Phone	Outgoing	ok im ready
4025	+13473054803	N/A	27/08/2017 03:10:07 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Ok

4026	+13473054803	N/A	27/08/2017 03:10:26 (GMT-5)		Sent	Sent	Phone	Outgoing	im in midland so give me about 30 mins
4027	+13473054803	N/A	27/08/2017 03:32:22 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	How far are u
4028	+13473054803	N/A	27/08/2017 03:35:39 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Courtyard
4029	+13473054803	N/A	27/08/2017 03:35:49 (GMT-5)		Sent	Sent	Phone	Outgoing	residence or courtyard?
4030	+13473054803	N/A	27/08/2017 03:36:32 (GMT-5)		Sent	Sent	Phone	Outgoing	cool, which room?
4031	+13473054803	N/A	27/08/2017 03:36:34 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Let me know when ur on 3rd floor
4032	+13473054803	N/A	27/08/2017 03:41:02 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	??
4033	+13473054803	N/A	27/08/2017 03:41:15 (GMT-5)		Sent	Sent	Phone	Outgoing	alright, im here
4034	+13473054803	N/A	27/08/2017 03:41:48 (GMT-5)		Sent	Sent	Phone	Outgoing	im on the third floor
4035	+13473054803	N/A	27/08/2017 03:42:30 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	344
4036	+13473054803	N/A	27/08/2017 03:42:32 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	334
4037	+13473054803	N/A	27/08/2017 03:42:59 (GMT-5)	+16363848922	Read	Inbox	Phone	Incoming	Yes
4038	+13473054803	N/A	27/08/2017 03:43:18 (GMT-5)		Sent	Sent	Phone	Outgoing	334?
4039			27/08/2017 13:20:39 (GMT-5)						
4040			27/08/2017 13:39:52 (GMT-5)						
4041			27/08/2017 13:40:46 (GMT-5)						
4042			27/08/2017 13:40:53 (GMT-5)						
4043			27/08/2017 13:41:22 (GMT-5)						
4044			27/08/2017 14:07:08 (GMT-5)						
4045			27/08/2017 14:07:23 (GMT-5)						
4046			27/08/2017 14:07:47 (GMT-5)						

4551			08/11/2017 12:42:15 (GMT-6)						
4552			08/11/2017 12:43:17 (GMT-6)						
4553			08/11/2017 12:48:00 (GMT-6)						
4554			08/11/2017 12:48:12 (GMT-6)						
4555	2815819181	N/A	08/11/2017 14:28:15 (GMT-6)		Sent	Sent	Phone	Outgoing	yo?
4556	+12815819181	N/A	08/11/2017 14:29:19 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	hey! cutie pie. How is your day? I'm christy. Whats your name ?
4557	+12815819181	N/A	08/11/2017 14:31:09 (GMT-6)		Sent	Sent	Phone	Outgoing	hi christy, im sebastian
4558	+12815819181	N/A	08/11/2017 14:32:10 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Excellent. It really is a pleasure to meet you:) you are searching for some NSA fun like me so i'm available in almost any type of sexy games... if it is safe:).
4559	+12815819181	N/A	08/11/2017 14:33:59 (GMT-6)		Sent	Sent	Phone	Outgoing	you talk like a fucking bot
4560	+12815819181	N/A	08/11/2017 14:34:57 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Ok, now you really lost me?? bot???
4561	+12815819181	N/A	08/11/2017 14:38:00 (GMT-6)		Sent	Sent	Phone	Outgoing	ok you sound real now, all around craigslist I get automated messages sent to me until they send me a link to a sketchy website no matter what I say. I was just testing if you were real.
4562	+12815819181	N/A	08/11/2017 14:38:56 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	haha! i am not! i like raindrops and bubblegum at bedtime.... would an automated system say that?
4563	+12815819181	N/A	08/11/2017 14:39:04 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	describe exactly what would you would like to do with me..
4564	+12815819181	N/A	08/11/2017 14:44:21 (GMT-6)		Sent	Sent	Phone	Outgoing	I have a throbbing sensation waiting to rise to the occasion that I NEED to share with somebody. I want to satisfy your needs and make you beg for what I have to offer, bluntly, I want to stick my dick deep inside you
4565	+12815819181	N/A	08/11/2017 14:45:23 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	stick it in me baby
4566	+12815819181	N/A	08/11/2017 14:47:20 (GMT-6)		Sent	Sent	Phone	Outgoing	show me some pictures and I'll gladly return the favor
4567	+12815819181	N/A	08/11/2017 14:48:20 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	here's a pic https://i.imgur.com/7L7Vvp0.jpg

4568	+12815819181	N/A	08/11/2017 14:50:21 (GMT-6)		Sent	Sent	Phone	Outgoing	nice... wanna meet up today then?
4569	+12815819181	N/A	08/11/2017 14:51:20 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	If it helps, I uploaded a pic for u here https://i.imgur.com/8pP5vqu.jpg You can tell me your dirty thoughts with me..hehe I hope you love oral. I will provide u the greatest blow job ever.
4570	+12815819181	N/A	08/11/2017 14:53:55 (GMT-6)		Sent	Sent	Phone	Outgoing	you look really nice... I hope you like oral as well sweetie
4571	+12815819181	N/A	08/11/2017 14:54:52 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	im eager to put your large wang into my mouth. I am anticipating to consume tons of nice sperm !
4572	+12815819181	N/A	08/11/2017 14:58:12 (GMT-6)		Sent	Sent	Phone	Outgoing	I wanna suck on your tits and lick your pussy nice and rough. and if you really want I can give you a nice little facial..
4573	+12815819181	N/A	08/11/2017 14:59:16 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	lick n slurp!
4574	+12815819181	N/A	08/11/2017 15:01:12 (GMT-6)		Sent	Sent	Phone	Outgoing	enough fore play, lets meet up already
4575	+12815819181	N/A	08/11/2017 15:02:16 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Here is one more pic https://i.imgur.com/yyYpQbe.jpg . You can send a few of you also.
4576	+12815819181	N/A	08/11/2017 15:20:40 (GMT-6)		Sent	Sent	Phone	Outgoing	sorry for taking so long. had to deal with something. give me just a bit sweetie
4577	+12815819181	N/A	08/11/2017 15:21:38 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	I must make sure you are grown-up. Just pass this https://goo.gl/VUjiER and it'll provide u my very own address for free
4578	+12815819181	N/A	08/11/2017 16:21:39 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Still there?
4579	+12815819181	N/A	08/11/2017 16:23:30 (GMT-6)		Sent	Sent	Phone	Outgoing	hello
4580	+12815819181	N/A	08/11/2017 16:24:35 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Once you pass the verification we can discuss about getting together. I am exhausted and I really want to sense your cock asap. My cock hungry hole demands a great bang
4581	+12815819181	N/A	08/11/2017 16:28:23 (GMT-6)		Sent	Sent	Phone	Outgoing	I dont do sketchy websites
4582	+12815819181	N/A	08/11/2017 16:29:24 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	im going to get ready for you. Hurry I am longing for you. https://goo.gl/Cr6Up2
4583	+12815819181	N/A	08/11/2017 16:33:22 (GMT-6)		Sent	Sent	Phone	Outgoing	nice try. i guess it just wasn't meant to be
4584	+12815819181	N/A	08/11/2017 16:34:22 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Please bring some stimulating sexual games with you, just to make sure that we shall have a wonderful time.

4585	+12815819181	N/A	08/11/2017 16:37:06 (GMT-6)		Sent	Sent	Phone	Outgoing	im not falling for your scam already
4586	+12815819181	N/A	08/11/2017 16:38:07 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	scam wtf?!?
4587	+12815819181	N/A	08/11/2017 16:42:08 (GMT-6)		Sent	Sent	Phone	Outgoing	what website verifies people through their credit card info?
4588	+12815819181	N/A	08/11/2017 17:40:57 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	u leave me?
4589	+12815819181	N/A	08/11/2017 18:41:03 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	still with me?
4590	+12815819181	N/A	08/11/2017 19:26:07 (GMT-6)		Sent	Sent	Phone	Outgoing	we still playin?
4591			09/11/2017 09:32:59 (GMT-6)						
4592			09/11/2017 09:33:20 (GMT-6)						
4593			09/11/2017 13:59:21 (GMT-6)	+16363848922					
4594			09/11/2017 16:35:20 (GMT-6)	+16363848922					
4595			09/11/2017 18:08:15 (GMT-6)	+16363848922					
4596			09/11/2017 18:08:46 (GMT-6)						
4597			09/11/2017 18:10:04 (GMT-6)						
4598			09/11/2017 18:10:05 (GMT-6)	+16363848922					
4599			09/11/2017 18:13:42 (GMT-6)						
4600			09/11/2017 18:17:10 (GMT-6)	+16363848922					
4601			09/11/2017 18:36:16 (GMT-6)						
4602			09/11/2017 19:38:44 (GMT-6)	+16363848922					
4603			12/11/2017 13:07:40 (GMT-6)	+16363848922					
4604			12/11/2017 13:08:26 (GMT-6)						
4605			13/11/2017 10:30:06 (GMT-6)	+16363848922					

4642			15/11/2017 12:46:38 (GMT-6)						
4643			15/11/2017 13:21:59 (GMT-6)						
4644	4328535941	N/A	16/11/2017 22:39:44 (GMT-6)		Sent	Sent	Phone	Outgoing	yo
4645	+14328535941	N/A	16/11/2017 23:18:51 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Hi
4646	+14328535941	N/A	16/11/2017 23:34:42 (GMT-6)		Sent	Sent	Phone	Outgoing	you busy tonight?
4647	+14328535941	N/A	16/11/2017 23:55:18 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	No I'm avalanche
4648	+14328535941	N/A	17/11/2017 00:22:11 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Ok
4649	+14328535941	N/A	17/11/2017 00:22:48 (GMT-6)		Sent	Sent	Phone	Outgoing	hi avalanche, im actually busy tonight but I would love to do something tomorrow
4650	+14328535941	N/A	17/11/2017 00:23:21 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Yes
4651	+14328535941	N/A	17/11/2017 00:23:25 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	.
4652	+14328535941	N/A	17/11/2017 00:24:10 (GMT-6)		Sent	Sent	Phone	Outgoing	8pm good?
4653	+14328535941	N/A	17/11/2017 00:24:25 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Plz
4654	+14328535941	N/A	17/11/2017 00:24:59 (GMT-6)		Sent	Sent	Phone	Outgoing	sweet
4655	+14328535941	N/A	17/11/2017 00:25:11 (GMT-6)		Sent	Sent	Phone	Outgoing	do you need a pic?
4656	+14328535941	N/A	17/11/2017 00:30:25 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	,nice
4657	+14328535941	N/A	17/11/2017 00:31:08 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	I will can be
4658	+14328535941	N/A	17/11/2017 00:31:50 (GMT-6)		Sent	Sent	Phone	Outgoing	actually, will you be awake around 3:30?
4659	+14328535941	N/A	17/11/2017 00:33:07 (GMT-6)		Sent	Sent	Phone	Outgoing	ill text you around 3 if I can, if not then ill see you tomorrow
4660	+14328535941	N/A	17/11/2017 01:12:26 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	And u are generous right

4661	+14328535941	N/A	17/11/2017 01:23:50 (GMT-6)		Sent	Sent	Phone	Outgoing	how much
4662	+14328535941	N/A	17/11/2017 01:33:30 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	What can u afford
4663	+14328535941	N/A	17/11/2017 01:42:04 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Sweet
4664	+14328535941	N/A	17/11/2017 01:42:49 (GMT-6)		Sent	Sent	Phone	Outgoing	100\$?
4665	+14328535941	N/A	17/11/2017 01:43:41 (GMT-6)		Sent	Sent	Phone	Outgoing	can I get a pic first at least
4666	+14328535941	N/A	17/11/2017 01:48:06 (GMT-6)		Sent	Sent	Phone	Outgoing	neat
4667	+14328535941	N/A	17/11/2017 02:53:56 (GMT-6)		Sent	Sent	Phone	Outgoing	are you in odessa?
4668			17/11/2017 14:46:44 (GMT-6)						

4669			20/11/2017 13:16:06 (GMT-6)
4670			20/11/2017 13:17:28 (GMT-6)
4671			20/11/2017 13:28:18 (GMT-6)
4672			20/11/2017 13:28:19 (GMT-6)
4673			20/11/2017 13:28:43 (GMT-6)
4674			20/11/2017 13:28:52 (GMT-6)
4675			20/11/2017 13:31:03 (GMT-6)
4676			20/11/2017 13:31:56 (GMT-6)
4677			20/11/2017 13:36:28 (GMT-6)
4678			20/11/2017 13:37:50 (GMT-6)
4679			20/11/2017 13:38:19 (GMT-6)

4756			04/12/2017 09:06:53 (GMT-6)						
4757			04/12/2017 09:43:25 (GMT-6)						
4758			04/12/2017 13:56:16 (GMT-6)						
4759	+15044188756	N/A	06/12/2017 16:43:36 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Sup whos thid
4760	5044188756	N/A	06/12/2017 16:44:19 (GMT-6)		Sent	Sent	Phone	Outgoing	yo
4761	+15044188756	N/A	06/12/2017 16:46:34 (GMT-6)		Sent	Sent	Phone	Outgoing	saw the ad on craigslist, my names Sebastian
4762	+15044188756	N/A	06/12/2017 17:18:16 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Hi
4763	+15044188756	N/A	06/12/2017 17:19:02 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	No im free
4764	+15044188756	N/A	06/12/2017 17:20:17 (GMT-6)		Sent	Sent	Phone	Outgoing	busy tonight?
4765	+15044188756	N/A	06/12/2017 17:20:55 (GMT-6)		Sent	Sent	Phone	Outgoing	can we meet up then?
4766	+15044188756	N/A	06/12/2017 17:45:16 (GMT-6)		Sent	Sent	Phone	Outgoing	no?..
4767	+15044188756	N/A	06/12/2017 18:16:02 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Yeswecan when
4768	+15044188756	N/A	06/12/2017 20:08:42 (GMT-6)		Sent	Sent	Phone	Outgoing	in an hour or two?
4769	+15044188756	N/A	06/12/2017 20:31:59 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Ok
4770	+15044188756	N/A	06/12/2017 20:34:11 (GMT-6)		Sent	Sent	Phone	Outgoing	cool. do you live in odessa?
4771	+15044188756	N/A	06/12/2017 23:02:26 (GMT-6)		Sent	Sent	Phone	Outgoing	the world may never know
4772	+15044188756	N/A	06/12/2017 23:29:56 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	No im in midland im in odessa now
4773	+15044188756	N/A	06/12/2017 23:31:59 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Im going to midland now
4774	+15044188756	N/A	06/12/2017 23:32:30 (GMT-6)		Sent	Sent	Phone	Outgoing	ok.I live in midland actually but I can travel to you
4775	+15044188756	N/A	06/12/2017 23:33:39 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Uwant me to host
4776	+15044188756	N/A	06/12/2017 23:34:08 (GMT-6)		Sent	Sent	Phone	Outgoing	awesome. let me know when you're ready then

4777	+15044188756	N/A	06/12/2017 23:35:00 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	And are u generous
4778	+15044188756	N/A	06/12/2017 23:36:02 (GMT-6)		Sent	Sent	Phone	Outgoing	yes, I can't host right now. unless you wanna do it in a car
4779	+15044188756	N/A	06/12/2017 23:37:37 (GMT-6)		Sent	Sent	Phone	Outgoing	ughh. everybody wants a donation. 50 is all I'm willing
4780			07/12/2017 11:10:14 (GMT-6)						
4781			07/12/2017 20:21:27 (GMT-6)						
4782			08/12/2017 12:22:12 (GMT-6)						
4783			08/12/2017 12:23:37 (GMT-6)						
4784			08/12/2017 12:24:03 (GMT-6)						
4785			08/12/2017 12:24:24 (GMT-6)						
4786			08/12/2017 12:24:51 (GMT-6)						
4787			08/12/2017 12:26:04 (GMT-6)						
4788			08/12/2017 12:27:15 (GMT-6)						
4789			08/12/2017 12:31:09 (GMT-6)						
4790			08/12/2017 12:31:47 (GMT-6)						
4791			08/12/2017 12:52:03 (GMT-6)						
4792			08/12/2017 12:52:56 (GMT-6)						
4793			08/12/2017 12:54:31 (GMT-6)						
4794			08/12/2017 12:54:40 (GMT-6)						
4795			08/12/2017 12:55:03 (GMT-6)						

4796			08/12/2017 12:56:37 (GMT-6)						
4797			08/12/2017 13:17:19 (GMT-6)						
4798			08/12/2017 15:44:23 (GMT-6)						
4799			08/12/2017 17:22:58 (GMT-6)						
4800			08/12/2017 17:36:16 (GMT-6)						
4801			08/12/2017 18:32:51 (GMT-6)						
4802	3037107961	N/A	09/12/2017 12:58:46 (GMT-6)		Sent	Sent	Phone	Outgoing	Yo. saw your ad
4803			09/12/2017 15:20:44 (GMT-6)						
4804			09/12/2017 15:21:42 (GMT-6)						
4805			09/12/2017 15:23:02 (GMT-6)						
4806			09/12/2017 15:23:29 (GMT-6)						
4807			09/12/2017 15:23:46 (GMT-6)						
4808			09/12/2017 15:24:43 (GMT-6)						
4809			09/12/2017 15:24:52 (GMT-6)						
4810			09/12/2017 15:24:54 (GMT-6)						
4811			09/12/2017 21:22:30 (GMT-6)						
4812			09/12/2017 21:31:42 (GMT-6)						
4813			10/12/2017 00:31:58 (GMT-6)						
4814			10/12/2017 00:33:41 (GMT-6)						
4815			10/12/2017 00:33:55 (GMT-6)						

4836			13/12/2017 14:03:39 (GMT-6)						
4837	+18326328541	N/A	13/12/2017 18:04:11 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Hi! My name's Lilly. I'm 30y.o., eye-catching WF up for some fun. Tell me more on yourself.
4838	8326328541	N/A	13/12/2017 18:04:15 (GMT-6)		Sent	Sent	Phone	Outgoing	yo
4839	+18326328541	N/A	13/12/2017 18:08:41 (GMT-6)		Sent	Sent	Phone	Outgoing	22 hispanic dude. my names sebastian
4840			13/12/2017 19:27:37 (GMT-6)						
4841			13/12/2017 19:32:25 (GMT-6)						
4842	+16039434891	N/A	13/12/2017 21:18:11 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Where are u
4843	+16039434891	N/A	13/12/2017 21:20:11 (GMT-6)		Sent	Sent	Phone	Outgoing	midland
4844	+16039434891	N/A	13/12/2017 21:45:47 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	240hr
4845	+16039434891	N/A	13/12/2017 21:55:53 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Ok?
4846			14/12/2017 01:09:05 (GMT-6)						
4847			14/12/2017 11:51:40 (GMT-6)						
4848			14/12/2017 11:51:50 (GMT-6)						
4849			14/12/2017 11:53:39 (GMT-6)						
4850			14/12/2017 11:55:15 (GMT-6)						
4851			14/12/2017 11:55:19 (GMT-6)						
4852			14/12/2017 11:58:04 (GMT-6)						
4853	6822532789	N/A	14/12/2017 20:05:57 (GMT-6)		Sent	Sent	Phone	Outgoing	yo. saw your ad
4854	2067361900	N/A	14/12/2017 20:06:45 (GMT-6)		Sent	Sent	Phone	Outgoing	yo, saw your ad

4855	5203170356	N/A	14/12/2017 20:15:56 (GMT-6)		Sent	Sent	Phone	Outgoing	yo, saw your ad
4856	2318463167	N/A	14/12/2017 20:18:16 (GMT-6)		Sent	Sent	Phone	Outgoing	yo, saw your ad
4857	7036467669	N/A	14/12/2017 20:19:52 (GMT-6)		Sent	Sent	Phone	Outgoing	yo?
4858	+18435804134	N/A	14/12/2017 20:22:20 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	hy u reply my cl add..and proof u real
4859	776836	N/A	14/12/2017 20:24:07 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	craigslist secret code for jn541060@gmail.com is 49390. Do not share this code for any reason. Any request for it is a scam.
4860	+18435804134	N/A	14/12/2017 20:24:18 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	ok baby give me code if u real proof u
4861	+18435804134	N/A	14/12/2017 20:25:26 (GMT-6)		Sent	Sent	Phone	Outgoing	I replied to a lot of em just now. which one was this one?
4862	22000	N/A	14/12/2017 20:25:37 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Your Google verification code is 652851
4863	+18435804134	N/A	14/12/2017 20:25:43 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	next code
4864	+18435804134	N/A	14/12/2017 20:26:26 (GMT-6)		Sent	Sent	Phone	Outgoing	49390
4865	22000	N/A	14/12/2017 20:27:22 (GMT-6)	+16363848922	Read	Inbox	Phone	Incoming	Your Google verification code is 360760
4866	+18435804134	N/A	14/12/2017 20:27:54 (GMT-6)		Sent	Sent	Phone	Outgoing	652851
4867	+18435804134	N/A	14/12/2017 20:31:34 (GMT-6)		Sent	Sent	Phone	Outgoing	another one was sent to me 360760
4868			15/12/2017 17:15:51 (GMT-6)						
4869			15/12/2017 18:02:55 (GMT-6)						
4870			15/12/2017 18:03:23 (GMT-6)						
4871			15/12/2017 19:07:11 (GMT-6)						
4872			16/12/2017 08:47:28 (GMT-6)						
4873			16/12/2017 08:59:43 (GMT-6)						
4874			16/12/2017 09:00:33 (GMT-6)						

SUBPOENA

THE STATE OF TEXAS
VS

TRIAL DATE: March 5, 2019

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS – GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
DAVID OLVERA, MARTY BARRETT, MARISSA PAYNE, RHIANNON FRY, JACQUELINE HERNANDEZ		MPD #180216060

To appear on March 5, 2019 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the **STATE OF TEXAS** in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

PLEASE CALL Vanessa Boerner AT (432) 688-4430 WHEN YOU RECEIVE THIS SUBPOENA AND BEFORE COMING TO COURT !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

THIS SUBPOENA IS IN EFFECT THE ENTIRE WEEK OR UNTIL RELEASED BY THE JUDGE.

Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____.

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2019, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

NAME	TIME						PLACE, COURSE AND DISTANCE FROM COURTHOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

and not executed as to the witness _____ for the following reasons:

I actually and necessarily traveled _____ miles in the service of this Subpoena, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: -- Summoning --- Witness\$ _____ NAME AND ADDRESS OF PROCESS SERVER _____
Mileage.....\$ _____
TOTAL\$ _____

SUBPOENA

THE STATE OF TEXAS

TRIAL DATE: March 5, 2019

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS – GREETINGS:

You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
CODY ALLEN		DPS MIDLAND, TEXAS

To appear on March 5, 2019 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the **STATE OF TEXAS** in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

PLEASE CALL Vanessa Boerner AT (432) 688-4430 WHEN YOU RECEIVE THIS SUBPOENA AND BEFORE COMING TO COURT !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

THIS SUBPOENA IS IN EFFECT THE ENTIRE WEEK OR UNTIL RELEASED BY THE JUDGE.

Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____.

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2019, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

NAME	TIME						PLACE, COURSE AND DISTANCE FROM COURTHOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

and not executed as to the witness _____ for the following reasons:

I actually and necessarily traveled _____ miles in the service of this Subpoena, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: -- Summoning --- Witness\$ _____ NAME AND ADDRESS OF PROCESS SERVER _____
Mileage.....\$ _____
TOTAL\$ _____

SUBPOENA

THE STATE OF TEXAS

TRIAL DATE: March 5, 2019

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS -- GREETINGS:

You Are Hereby Commanded To Summon:

WITNESS NAME

RESIDENCE

EXACT LOCATION

CHRIS DAVIS

ANDREWS POLICE DEPT

To appear on March 5, 2019 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the **STATE OF TEXAS** in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

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FEES: -- Summoning --- Witness\$ _____ NAME AND ADDRESS OF PROCESS SERVER _____
Mileage.....\$ _____
TOTAL\$ _____

FILED

SUBPOENA

2018 AUG -8 AM 8:55

THE STATE OF TEXAS

TRIAL DATE: August 13, 2018 or
August 20, 2018 or August 27, 2018

VS

ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

CAUSE NO. CR51328

SEBASTIAN ALEXANDER ZAPATA

BY _____ DEPUTY

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS – GREETINGS:

You Are Hereby Commanded To Summon:

WITNESS NAME _____	RESIDENCE _____	EXACT LOCATION _____
CHRIS DAVIS		ANDREWS POLICE DEPT

To appear on August 13, 2018 or August 20, 2018 or August 27, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200, Midland, Texas, then and there to testify as a witness in behalf of the **STATE OF TEXAS** in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

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TOTAL\$ _____

Conversation Log for Suspect: +1 (432) 215-7617
and Officer: +1 (432) 606-2302

Suspect

Officer



Yo



Cody Allen
hey



I saw your craigslist ad. Are you busy today



Chris Davis
how old are you?



22



Chris Davis
oh i am worried i am too young 4 u



Age doesnt bother me. Unless you were like 60 i guess



Chris Davis
dnt get 60 lol



Well if you aint bothered by my age then i wont be bothered by yours



Chris Davis
aint almost 14 but look a lot older



Wow, i dont think craigslist is where you want to find your dates at your age, but again, i dont mind if you dont mind. What did you want to do tonight



Chris Davis
idk, i havent really hung out with older guys much, what would you want to do?



Im a boring fellow in my opinion but if youd like i could take you to a movie and maybe have dinner afterwards if thats cool enough with you. What happens after that is up to us@



Im just a boring guy who enjoys playing video games competitively. Im trying to go school next semester and work towards a bilingual degree

Chris Davis (17/01/2018) 10:11

Chris Davis
thats cool



What kind of person are you. And what kind of music do you like

Chris Davis (17/01/2018) 10:12

Chris Davis
I like all sorts really, mainly hip-hop tho



Are you the shy or more outgoing kinda type

Chris Davis (17/01/2018) 10:13

Chris Davis
shy and keep secrets lol



Heh, I use to be like that too around that age. Well, I like to keep some seem secrets still

Chris Davis (17/01/2018) 10:14

Chris Davis
I dont really go out to much, u?



Nope. I love staying inside watching shows and playing games

Chris Davis (17/01/2018) 10:15



But I can enjoy some decent time outside every now and then. But why bother when I can stay home for free lol

Chris Davis (17/01/2018) 10:15

Chris Davis
me too!! not tho games part so much tho



Would you like to play some games?

Chris Davis (17/01/2018) 10:16

Chris Davis
what kind of games lol?



Something relaxing? Since you dont seem very experienced to this sort of thing.

Chris Davis (17/01/2018) 10:16

Chris Davis
sort of thing???



Not everyone is good at video games, or has the patience to try to be.

Chris Davis (17/01/2018) 10:17

Chris Davis
lol what kind of games



Have you ever played zelda

8/10/2015 12:15 PM

Chris Davis
nope, what else you got?



I have a switch and i was thinking about picking up a new game. I don't have mario

Chris Davis
sweet i can ball on some mario action lol!!



8/10/2015 12:15 PM



So, did you want to hang out today?

8/10/2015 12:15 PM

Chris Davis
maybe... it depends



I think we should keep texting each other and to get to know one another till you feel comfortable around me

8/10/2015 12:15 PM

Chris Davis
im down with that if you are



im as comfortable as you want to get

8/10/2015 12:15 PM



But i dont want to rush you

8/10/2015 12:15 PM

Chris Davis
lol your funny



haha

Chris Davis
huh?



its a tana

8/10/2015 12:15 PM



Cuz you said i was funny



So i made a funny
face

Chris Davis
o/c



Heh.. What school do you go to

Chris Davis
homeschool... i got in trouble a while back and my mom wanted me to stay
home



Oh... Do you like being home
school'd?

Chris Davis
not really... i get bored



Dont go out much yet you get bored with home schooling
lol

Chris Davis
i miss my old friends



Yea...I was about to say, You just need some one to talk
too

Chris Davis
i like talking to you so far
silly



Oh you flatter me

Chris Davis
haha



This is nice though. I miss having some one to text all day

Chris Davis
yeah right i bet you have lots of friends



HAAAA



AAAAAAAAAAAA



.ah..

Chris Davis
lame haha



Well i have few select friends that i keep close to. I am living with room mates and i talk to friends online almost everyday



Oh i see

Other than that its just family

Chris Davis
oh cool...you be talking to girls all day
lou??



Pfittt



I wish...

Chris Davis
so am i the only girl you talkin to now?



Oh, does my mom count?

Chris Davis
not unless you think i am like your
mom



Feb 20 16 12:41:41 2013 (UTC-5)



Then that makes you two 2 seperate categories



haha, well thats good

Chris Davis
well thats good



Feb 20 16 12:44:10 2013 (UTC-5)



















Then again i only met you today.... Maybe you could be just like my
mom



Chris Davis
ummhmm no



If you say so

<p>  That's the spirit. You go girl I'm gonna be a baller </p>	<p>  Sometimes you can't be a baller, but you can be a baller with </p>	<p>  Yea...like meet up with, Chill. Cut loose. Spend time together with. Synonyms I like you. I like you a lot. I like you a lot. </p>	<p>  Wow you do need a friend </p>	<p>  Then let me be your friend </p>	<p>  I see how it is </p>	<p>  I see how it is </p>	<p>  That's the spirit. You go girl I'm gonna be a baller </p>	<p>  Chris Davis well i am 13 so i dont want no kids lol </p>	<p>  Chris Davis haha </p>	<p>  Chris Davis im bored again </p>	<p>  Chris Davis hang out? </p>	<p>  Chris Davis what does that mean to? </p>	<p>  Chris Davis cut loose? </p>	<p>  Chris Davis hey thats rough </p>	<p>  Chris Davis ummm maybe </p>
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Then that means were friends

Chris Davis
o/c

Silly billy

Chris Davis
so if i take to risk with my mam and sneak to meet you. what are we going to do

Well, i dont want to take you back to my place and risk having the questioned asked why am i hanging out with a 14 year old. If youre hungry i can take you to dinner

Chris Davis
who would ask?

My room mates

Chris Davis
tell them to go somewhere silly... i def dont want to be around a bunch of dudes i dont know

Ones passed out on the couch since he doesnt have work today...

If it wasnt for that then yea i probably could risk it

But let me be frank with you for a moment

I dont have a bed in my room

Chris Davis
whats the bed 4? haha

...for me to sleep on o/c

Chris Davis
o/c?

Of course

Chris Davis
haha so you want me to sneak out to watch you sleep...kreeper haha

Cannt, you got me

Chris Davis
so you sleep...i watch...who cuddles?

I cuddle

With my
pillow

Chris Davis
I thought you were sleeping silly

I do that in my sleep doesnt every one

Chris Davis
ummm no

I guess im just a kreeper then...

Chris Davis
well i hope not....i like
you

Well, the way i see it we have two options. I can get a hotel room or we can just chill in my
car

Chris Davis
hotel room?

A room in a hotel, yes

But you couldnt stay over night could you

Chris Davis
Yeah I will just say I am going to a friends...my mom is tired of me too haha

Thats what i had in mind. Cool so you do it
then?

Chris Davis
Im nervous...you havent even told me your name
silly



Wow youre right! Please excuse
me.

My name is
Sebastian

Cody Allen
thanks babe i feel little better now sry im just really nervous i hope u understand



Ez... Oh my

Cody Allen
hohhe sorry



So whats your name
then

Cody Allen
Crystal



Cute
name

Cody Allen
aww thanks babe



Alright. If youre 100% about this tell me where i can pick you up so i can plan
ahead

Cody Allen
not yet silly hoho u havent even told me what we would do duh hoho



Do you really want to know?

Cody Allen
yah silly i dont like surprises
hoho



We would make out on the bed until one of us loses our control to take off their clothes

Cody Allen
hoho





We would do it. Gentle, but firm and passionate. And after that we would shower together, and then do it again.



And then do it again on the bed, and then shower again. Rinse and repeat.



Does that sound fun?

Cody Allen
hehe sry i've never done that before



Thats ok

Cody Allen
u sure babe?



I've only actually done it once so id love to get more experienced with some one new too.

Cody Allen
would u wear protection i dont want to get prego



Of course. I know how you said you dont want to have kids.

Cody Allen
hehe what do u mean by do it? sry babe im just nervous



Relax. You already mentioned protection so you know what i mean.

Cody Allen
hehe sry babe



So. If youre ready and willing, I would love to teach sex with you.

Cody Allen
hehe ok when?



Is tonight ok with you?

Cody Allen
yah hehe

Ok lil missy. Where can i pick you up at

Cody Allen
what time babe

Are you in edussa last of all?

Cody Allen
midland where would we go

Oh ok, im in midland too, no worries

North west south or east?

Cody Allen
north

Cool. I can show up at around 8

Cody Allen
what time do u want to meet i want to make sure im ready i have to shower first
hehe

Me too. But we could shower together if you want

Cody Allen
where would we go? i want to shower first before we meet hehe then we can shower together later hehe

Lets get a hotel tonight, Before we go there we can go to dinner or a movie, what ever you want

Cody Allen
y dinner and a movie hehe

Geez i want to be a gentleman at least lol

Cody Allen
hehe im sry i thought u were talking about other stuff i am
confused



We can talk about it when we meet up

Cody Allen
oh



Ok, im gonna get ready so i can pick you up. Send me the adress

Cody Allen
ur making me nervous babe u told me one thing and now ur changing ur mind



You want sex right?

Cody Allen
do u? hehe u said u want dinner and a movie or to do it im so confused babe



Yes i do, but im also offering dinner or a movie before hop right into it. Im just being polite

Cody Allen
ok babe sry i was just confused



No problem



Try to relax

Cody Allen
ok babe im sry can we meet before 8?



I'll try

Cody Allen
have a question babe



Whats up

Cody Allen
how will i know it will be u? sry ive just never done this before



I sent you a pic remember

Alan i have a silver two door car

Cody Alan
heho sry babe i deleted

And if you dont believe the guy you see when we meet just call this number

Wh

Ok hold on



Cody Alan
heho sry babe i deleted

You make me blush

Cody Alan
heho sry babe i deleted

Ok im almost ready

Cody Allen
Ok here



Are you ready?



Cody Allen
sry babe i was telling my mom bye she just left for work



So youre ready
then?



Cody Allen
let me jump in the shower i promise i wont take long



Ok, can i get the adress at least?



Be wait ...



Cody Allen
sry babe i was in the shower



I know. Im ready to head
out



Cody Allen
I live by office depot do u know where that
is



Is it in an apartment
complex?



Cody Allen
yeah but i dont want ne one in the complex seeing me so i was gonna run down to u when u get here



Ok np



Cody Allen
how long babe?



10 mins



Cody Allen
yay haha



Cody Allen
😊



Cody Allen
im excited hehe



Ok im here



I parked next to a dead tree far left from the office depot building

Cody Allen
ok babe i see you



Cody Allen
lost



SUBPOENA

2019 MAR 17 2:50

THE STATE OF TEXAS
VS

TRIAL DATE: March 18, 2019

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS - GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
DAVID OLVERA, MARTY BARRETT, MARISSA PAYNE, RHIANNON FRY, JACQUELINE HERNANDEZ		MPD #180216060

To appear on March 18, 2019 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the **STATE OF TEXAS** in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

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and not executed as to the witness _____ for the following reasons:

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FEES: -- Summoning --- Witness\$ _____
Mileage.....\$ _____
TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER _____

SUBPOENA

THE STATE OF TEXAS

TRIAL DATE: March 18, 2019

VS

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NAME AND ADDRESS OF PROCESS SERVER _____

SUBPOENA

2018 DEC 28 AM 10:29

TRIAL DATES: January 7, 2019 or January 28, 2019

THE STATE OF TEXAS

VS

SEBASTIAN ALEXANDER ZAPATA

 ALEX ARCHULETA
 DISTRICT CLERK
 238TH DISTRICT COURT, MIDLAND COUNTY, TEXAS
 BY _____ DEPUTY

CAUSE NO. CR51328

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WITNESS NAME _____ RESIDENCE _____ EXACT LOCATION _____
 CODY ALLEN _____ DPS MIDLAND, TEXAS

To appear on January 7, 2019 or January 28, 2019 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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THE STATE OF TEXAS
VS

TRIAL DATES: January 7, 2019 or January 28, 2019

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ALEX ARCHULETA
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BY _____ DEPUTY

CAUSE NO. CR51328

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SUBPOENA

THE STATE OF TEXAS

TRIAL DATES: January 7, 2019 or January 28, 2019

VS

SEBASTIAN ALEXANDER ZAPATA

BY

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WITNESS NAME _____ RESIDENCE _____ EXACT LOCATION _____
CHRIS DAVIS _____ ANDREWS POLICE DEPT _____

To appear on January 7, 2019 or January 28, 2019 at 9:00 AM. before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

PLEASE CALL Vanessa Boerner AT (432) 688-4430 WHEN YOU RECEIVE THIS SUBPOENA AND BEFORE COMING TO COURT !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

THIS SUBPOENA IS IN EFFECT THE ENTIRE WEEK OR UNTIL RELEASED BY THE JUDGE.

Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____.

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2018, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

NAME	TIME						PLACE, COURSE AND DISTANCE FROM COURTHOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

and not executed as to the witness _____ for the following reasons:

I actually and necessarily traveled _____ miles in the service of this Subpoena, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: -- Summoning --- Witness\$ _____
Mileage.....\$ _____
TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER _____

SUBPOENA

THE STATE OF TEXAS

2018 AUG -7 PM 4:48

TRIAL DATE: August 13, 2018 or
August 20, 2018 or August 27, 2018

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY _____ DEPUTY

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS – GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME _____ RESIDENCE _____ EXACT LOCATION _____
CHRIS DAVIS, CODY ALLEN, DAVID STEWART _____ DPS MIDLAND, TEXAS

To appear on August 13, 2018 or August 20, 2018 or August 27, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. REMAIN THERE UNTIL DISCHARGED BY THE COURT. You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____.

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2018, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

NAME	TIME						PLACE, COURSE AND DISTANCE FROM COURTHOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

and not executed as to the witness _____ for the following reasons:

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FEES: -- Summoning --- Witness\$ _____ NAME AND ADDRESS OF PROCESS SERVER _____

Mileage\$ _____

TOTAL\$ _____

SUBPOENA

2018 AUG -7 PM 4:48

TRIAL DATE: August 13, 2018 or
August 20, 2018 or August 27, 2018

THE STATE OF TEXAS

VS

SEBASTIAN ALEXANDER ZAPATA

DISTRICT CLERK
MIDLAND COUNTY, TEXAS
CAUSE NO. CR51328
BY _____ DEPUTY

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS - GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
DAVID OLVERA, MARTY BARRETT, MARISSA PAYNE, RHIANNON FRY, JACQUELINE HERNANDEZ		MPD #180216060

To appear on August 13, 2018 or August 20, 2018 or August 27, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200, Midland, Texas, then and there to testify as a witness in behalf of the **STATE OF TEXAS** in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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THIS SUBPOENA IS IN EFFECT THE ENTIRE WEEK OR UNTIL RELEASED BY THE JUDGE.

Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____.

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2018, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

NAME	TIME						PLACE, COURSE AND DISTANCE FROM COURTHOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

and not executed as to the witness _____ for the following reasons:

I actually and necessarily traveled _____ miles in the service of this Subpoena, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: -- Summoning --- Witness\$ _____
Mileage.....\$ _____
TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER _____

SUBPOENA

2010 SEP -3 PM 3:39

THE STATE OF TEXAS

TRIAL DATES: September 17, 2018 or September 25,
2018 or October 8, 2018 or October 15, 2018
or October 22, 2018

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A
PARTICIPANT IN THE PROCEEDINGS - GREETINGS:

You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
CODY ALLEN, DAVID STEWART		DPS MIDLAND, TEXAS

To appear on September 17, 2018 or September 25, 2018 or October 8, 2018 or October 15, 2018 or October 22, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. REMAIN THERE UNTIL DISCHARGED BY THE COURT. You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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Herein fail not and make due return hereof.

Witness my official signature, at Midland, Texas, this _____

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2018, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

NAME	TIME						PLACE, COURSE AND DISTANCE FROM COURTHOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

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FEES: -- Summoning --- Witness\$ _____

Mileage.....\$ _____

TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER

SUBPOENA

2018 SEP -5 PM 3:28

THE STATE OF TEXAS

TRIAL DATES: September 17, 2018 or
September 25, 2018 or October 8, 2018
or October 15, 2018 or October 22, 2018

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS - GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
DAVID OLVERA, MARTY BARRETT, MARISSA PAYNE, RHIANNON FRY, JACQUELINE HERNANDEZ		MPD #180216060

To appear on September 17, 2018 or September 25, 2018 or October 8, 2018 or October 15, 2018 or October 22, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200, Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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Witness my official signature, at Midland, Texas, this _____.

ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

Came to hand the _____ day of _____ A.D. 2018, at _____ o'clock _____ M., and executed by reading this Subpoena in the presence and hearing of each of the within named witnesses at the following times and places, to wit:

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	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

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FEES: -- Summoning --- Witness\$ _____
Mileage.....\$ _____
TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER _____

SUBPOENA

2018 SEP -5 PM 3:39

THE STATE OF TEXAS

TRIAL DATES: September 17, 2018 or September 25,
2018 or October 8, 2018 or October 15, 2018
or October 22, 2018

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS - GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME
CHRIS DAVIS

RESIDENCE

EXACT LOCATION
ANDREWS POLICE DEPT

To appear on September 17, 2018 or September 25, 2018 or October 8, 2018 or October 15, 2018 or October 22, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. REMAIN THERE UNTIL DISCHARGED BY THE COURT. You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

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FEES: -- Summoning --- Witness\$ _____

Mileage.....\$ _____

TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER

SUBPOENA

2018 OCT 25 PM 1:44

TRIAL DATES: November 5, 2018 or December 3, 2018

THE STATE OF TEXAS

VS

SEBASTIAN ALEXANDER ZAPATA

DISTRICT CLERK
MIDLAND COUNTY, TEXAS

DEPUTY

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS – GREETINGS:

You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
CODY ALLEN, DAVID STEWART		DPS MIDLAND, TEXAS

To appear on November 5, 2018 or December 3, 2018 at 9:00 AM before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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ALEX ARCHULETA, DISTRICT CLERK
238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

PROCESS SERVER'S RETURN

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	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

and not executed as to the witness _____ for the following reasons:

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FEES: -- Summoning --- Witness\$ _____ NAME AND ADDRESS OF PROCESS SERVER _____
Mileage.....\$ _____
TOTAL\$ _____

SUBPOENA

2018 OCT 25 PM 1:44

TRIAL DATES: November 5, 2018 or December 3, 2018

THE STATE OF TEXAS

VS

SEBASTIAN ALEXANDER ZAPATA

CAUSE NO. CR51328

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDINGS - GREETINGS:
You Are Hereby Commanded To Summon:

WITNESS NAME _____ RESIDENCE _____ EXACT LOCATION _____
CHRIS DAVIS _____ ANDREWS POLICE DEPT _____

To appear on November 5, 2018 or December 3, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200, Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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238TH DISTRICT COURT, MIDLAND COUNTY

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FEES: -- Summoning --- Witness\$ _____
Mileage.....\$ _____
TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER _____

SUBPOENA

2018 OCT 25 PM 1:14

TRIAL DATES: November 5, 2018 or December 3, 2018

THE STATE OF TEXAS
VS

SEBASTIAN ALEXANDER ZAPATA

DISTRICT CLERK
MIDLAND COUNTY, TEXAS
DEPUTY

CAUSE NO. CR51328

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You Are Hereby Commanded To Summon:

WITNESS NAME	RESIDENCE	EXACT LOCATION
DAVID OLVERA, MARTY BARRETT, MARISSA PAYNE, RHIANNON FRY, JACQUELINE HERNANDEZ		MPD #180216060

To appear on November 5, 2018 or December 3, 2018 at 9:00 AM, before the 238TH District Court of Midland County, Texas, located at the Midland County Courthouse, 500 N. LORAIN STE 200 Midland, Texas, then and there to testify as a witness in behalf of the STATE OF TEXAS in the above entitled and numbered criminal action now pending before the said Court. **REMAIN THERE UNTIL DISCHARGED BY THE COURT.** You are further commanded to bring the following books, papers, documents and tangible things described as evidence in said criminal action, to wit:

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238TH DISTRICT COURT, MIDLAND COUNTY

By _____ DEPUTY

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Mileage.....\$ _____
TOTAL\$ _____

NAME AND ADDRESS OF PROCESS SERVER _____

CR51328

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	238TH JUDICIAL DISTRICT
	§	
SEBASTIAN ALEXANDER ZAPATA	§	MIDLAND COUNTY, TEXAS

STATE'S WITNESS LIST AND NOTICE OF EXPERTS FOR TRIAL

Comes now the State of Texas by and through her District Attorney and gives notice to the defendant by and through the defendant's attorney of record that the State intends to call during the State's case in chief and punishment phase at the trial of the above entitled and numbered cause, the witnesses listed below:

1. **Midland Police Department**, 601 N. Loraine, Midland, Texas, 685-7108
 - a. Detective David Olvera
 - b. **Fingerprint/ ID technicians**- one or more of the following individuals: Marty Barrett, Larry Shackelford, Marissa Payne, Rhiannon Fry, Jacqueline Hernandez
 - i. **EXPERT in the area of identification by fingerprint**
2. **Texas Department of Public Safety** 2405 South Loop 250 West, Midland, Texas 79703
 - a. Special Agent Chris Davis
 - b. Special Agent Cody Allen
 - c. Special Agent David Stewart
3. **Midland County Clerk**, 500 N. Loraine, Suite 400, Midland, Texas 79701, 688-1073
 - a. Alison Haley, County Clerk, Vicki Ortiz, Deputy County Clerk, or any other Deputy County Clerk
4. **Midland District Clerk**, 500 N. Loraine, Suite 300, Midland, Texas 79701, 688-1851
 - a. Alex Archuleta, District Clerk, Lorie Enriquez, Deputy District Clerk, or any other Deputy District Clerk

The defendant is advised that any additional witnesses subpoenaed in this cause are subject to be called as witnesses for the State of Texas in this cause. The defendant is also

advised that any names found in the State's file, open for inspection by defense counsel, that are not enumerated on this list or any subsequent amended list are also subject to being called by the State and any omission from this list should not be construed as a tacit assertion that the unlisted witnesses will not be called. The defendant is further advised that this list of witnesses does not include rebuttal witnesses, if any.

WHEREFORE, PREMISES CONSIDERED, the defendant is now advised of the witnesses that the State of Texas intends to call at the guilt innocence and/or punishment phases of the trial of this cause.

Respectfully Submitted,

/s/
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us

CERTIFICATE OF SERVICE

I, the undersigned Assistant District Attorney, do hereby certify that on the 7th day of August, 2018, I sent a copy of the foregoing STATE'S WITNESS LIST AND EXPERT DESIGNATION by transmission through the authorized electronic filing manager or as otherwise permitted by law to Ed Shelby, the attorney of record for the defendant.

/s/
Lacey Holloman
Assistant District Attorney
Midland County, Texas
500 N. Loraine Street, Suite 200
Ph: (432) 688-4426
dal10@co.midland.tx.us